

# **The Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities**

**Full Commission Meeting – May 3-4, 2011**

**Pfahl Executive Conference Center**

**Room 202, Pfahl Hall**

**The Ohio State University**

**2110 Tuttle Park Place**

**Columbus, Ohio 43210**

**May 4, 2011 Transcript of Meeting**

>>: OKAY. I'D LIKE TO WELCOME EVERYONE TO THE SECOND DAY OF OUR COMMISSION MEETING AT THE OHIO STATE UNIVERSITY AND I WOULD LIKE TO WELCOME YOU ALL BACK. I'D LIKE TO WELCOME ANYONE ON THE PHONE. AND JUST A REMINDER FOR THE FOLKS WHO ARE ON THE PHONE, IF YOU WOULD LIKE TO SEE THE REALTIME CAPTIONING, YOU NEED TO GO TO WWW.PRIOHIO.COM. AND WE SEEM TO HAVE MUSIC.

>>: WHICH IS NICE.

>>: DO WE HAVE HOLD MUSIC ON THE PHONE.

>>: I THOUGHT THAT WAS YOUR INTRO MUSIC.

>>: SO FOR THOSE OF YOU WHO ARE LOGGING IN, WWW.PRIOHIO.COM. YOU WILL CLICK ON CHAT ROOM AT THE TOP LEFT OF THE PAGE. YOUR USER NAME IS GUEST IN LOWER CASE, GUEST, PASSWORD IS OSU, ALL UPPER CASE, FOR THE OHIO STATE UNIVERSITY, OSU, EACH OF THOSE LETTERS. IF YOU DO NOT USE THE PROPER CASE, IT WILL NOT ALLOW YOU TO LOG IN. IF THERE'S ANYONE ON THE PHONE WHO WOULD LIKE TO SEND A COMMUNICATION DURING THE MEETING, IF YOU HAVE A QUESTION OR A COMMENT THAT YOU WOULD LIKE TO HAVE US PAY ATTENTION TO, PLEASE SEND AN E-MAIL TO PSCAST.ORG. WE HAVE ED MCCOYD AND DAN GOLDSTEIN, AND WE ARE GOING TO ALLOW YOU -- OKAY. I'M SORRY. I THINK I'M GOING TO LET YOU INTRODUCE YOURSELVES.

>>: OKAY.

>>: PLEASE.

May 4, 2011 Transcript of Meeting

>>: OKAY. WELL, I'M -- A LITTLE BIT ABOUT OURSELVES?

>>: YES, PLEASE.

>>: I'M ED MCCOYD AND I WORK FOR THE ASSOCIATION OF AMERICAN PUBLISHERS. WE'RE THE NATIONAL TRADE ASSOCIATION OF THE US BOOK PUBLISHING INDUSTRY, AND I'M AN ATTORNEY, I WEAR A NUMBER OF HATS AT THE ASSOCIATION WORKING WITH COMMITTEES ACROSS DIFFERENT CATEGORIES OF OUR MEMBERSHIP, SO WE HAVE WHAT WE CALL THE TRADE PUBLISHERS WHICH PRODUCE THE NOVELS AND POPULAR NONFICTION AND OTHER GENERAL INTEREST MATERIALS. PUBLISHERS, PROFESSIONAL AND SCHOLARLY PUBLICATIONS AND THE EDUCATIONAL PUBLISHERS. AND ONE OF THE COMMITTEES I WORK WITH IS OUR HIGHER EDUCATION CRITICAL TASK FORCE. YOU MET SEVERAL MEMBERS OF THAT TASK FORCE YESTERDAY AND AS WAS MENTIONED THEY PRODUCE MATERIALS ACCOUNTING FOR 90% OR MORE OF THE UNIT SALES OF HIGHER ED MATERIALS IN THE US, AND THE CITF, AS WE CALL THE CRITICAL ISSUES TASK FORCE WORKS EXCLUSIVELY ON ISSUES INVOLVING ACCESSIBILITY OF MATERIALS IN HIGHER ED. IN POLICY CONTEXT SOME OF THE TIME WHEN -- WHEN LEGISLATION WAS PRESENTED OR THERE ARE OTHER REASONS FOR THE GROUP TO GET INVOLVED, BUT ALSO ON SOLUTIONS. YOU'VE ALL HEARD A LOT ABOUT ACCESS TEXT AND OVER THE PAST 18 MONTHS, WE'VE BEEN ABLE TO TURN OUR ATTENTION MORE AND MORE TO ACCESSIBILITY OF PRODUCTS AND POSSIBILITIES THERE AS ACCESS TEXT HAS REALLY BECOME INDEPENDENT AT THIS POINT. SO THANKS FOR HAVING ME.

>>: GOOD MORNING, EVERYONE. MY NAME IS DANIEL GOLDSTEIN. I'M WITH THE LAW FIRM OF BROWN, GOLDSTEIN & LEVY. I'M VERY PLEASED TO HAVING BEEN INTRODUCED AS BEING FROM NFB BECAUSE I'VE HAD THE HONOR OF HAVING THE NATIONAL FEDERATION OF THE BLIND AS MY CLIENT FOR THE LAST 25 YEARS. THE LAST DOZEN OR SO I HAVE FOCUSED PRINCIPALLY ON ACCESS TO TECHNOLOGY, NOT NECESSARILY EDUCATIONAL TECHNOLOGY, ACCESSIBLE ATMS, COMMERCIAL WEB SITES, AND THE LIKE, BUT CERTAINLY I WOULD SAY GOING BACK TO ABOUT NOVEMBER OF 2007, FOCUSING VERY MUCH ON BOTH ACCESSIBILITY OF eBooks BUT ALSO ACCESSIBILITY OF EDUCATIONAL TECHNOLOGY IN THE POST SECONDARY FIELD AND I'M VERY PLEASED TO BE INVITED TO BE HERE TODAY.

>>: THANK YOU. WE'RE GOING TO JUST LET YOU EACH PRESENT YOUR -- GO THROUGH YOUR PRESENTATION AND THEN THE COMMISSION MEMBERS WILL HAVE Q & A AT THE END. SO I HAVE DAN ON THE SCHEDULE FIRST. SO, DAN, PLEASE.

>>: THANK YOU. SO I APPRECIATE THE OPPORTUNITY TO ADDRESS YOU ON THE SUBJECT THAT HAS BEEN CONSUMING MANY OF MY WAKING HOURS THE LAST SEVERAL YEARS, THE LAW THAT SURROUNDS BOTH SECONDARY eBooks AS IT PERTAINS TO ACCESSIBILITY, BOTH OF THE CONTENT AND THE RELATES TECHNOLOGY OF THE PERSONS WHO ARE BLIND OR WHO HAVE OTHER DISABILITIES. AND WHAT I HOPE TO DO FAIRLY BRIEFLY THIS MORNING IS TO SET OUT MY UNDERSTANDING OF THE STATE OF CURRENT LAW SO THAT YOU CAN SEE WHERE THE -- WHAT'S COVERED AND WHERE THE HOLES ARE THAT MAY NEED TO BE ADDRESSED BY THIS COMMISSION. THE LAWS THAT CURRENTLY APPLY TO THE ACCESSIBILITY OF DIGITAL TALL INFORMATION AND EDUCATIONAL TECHNOLOGY TO POST SECONDARY STUDENTS AND FACULTY ARE SECTION 504 OF THE REHABILITATION ACT, WHICH WAS ENACTED IN 1973, TITLES 2 AND 3 OF THE AMERICANS WITH DISABILITIES ACT. FOR OUR PURPOSES TODAY, THESE PROVISIONS ALL LEAD TO THE SAME PLACE. AND THE FIRST THING TO UNDERSTAND ABOUT THIS THOSE PROVISIONS IS THEY IMPOSE ALL OF THE RESPONSIBILITY FOR ACCESSIBILITY ON THE UNIVERSITIES AND COLLEGES. THE THRUST OF THE RELEVANT PROVISIONS ARE THE FOLLOWING: FIRST, THESE

## May 4, 2011 Transcript of Meeting

LAWS REQUIRE THE SCHOOLS TO OFFER DISABLED STUDENTS AN EQUAL OPPORTUNITY TO PARTICIPATE IN AND TO HAVE FULL AND EQUAL ENJOYMENT IN ALL OF THE GOODS AND SERVICES, PROGRAMS, AND ACTIVITIES THE UNIVERSITY OFFERS. KEY WORDS THERE, EQUAL OPPORTUNITY TO PARTICIPATE. SECOND, ONE OF THE PURPOSES OF THE ADA WAS MAIN STREAMING. AND, THEREFORE, THE LAWS REQUIRE THAT STUDENTS WITH DISABILITIES BE INTEGRATED FOR THE MAXIMUM EXTENT POSSIBLE. SEPARATE PROGRAMS ARE PERMITTED ONLY WHERE NECESSARY TO ENSURE EQUAL OPPORTUNITY. UNIVERSITIES MUST AFFORD DISABLED STUDENTS EQUAL OPPORTUNITY TO ACHIEVE THE SAME RESULT OR LEVEL OF ACHIEVEMENT AS OTHERS. SO WHAT DOES THIS MEAN, FOR EXAMPLE, IN TERMS OF SEPARATE CHANNELS FOR INFORMATION, GOODS AND SERVICES? PRINT INFORMATION WAS AND IS INHERENTLY INACCESSIBLE TO SOMEONE WHO CAN'T SEE PRINT. SO SEPARATE CHANNELS WERE LAWFUL WHEN THE INFORMATION WAS ONLY AVAILABLE IN PRINT. DIGITAL INFORMATION, HOWEVER, IS NOT, FOR THE MOST PART, INHERENTLY INACCESSIBLE AND NEITHER IS TECHNOLOGY. SO THE RATIONALE FOR INFORMATION DISAPPEARS. THUS, THE LAWS THAT I'VE REFERRED TO REQUIRE THAT UNIVERSITIES SUPPLY MAINSTREAM ACCESS TO INFORMATION TECHNOLOGIES AND CONTENT AND MUST REFUSE TO USE INACCESSIBLE DIGITAL CONTENT AND TECHNOLOGY. THINK OF IT THIS WAY: IF A CAMPUS CONSTRUCTS A NEW BUILDING IT COULD DO SO WITH OR WITHOUT STAIRS AS THE ONLY MEANS OF ACCESS AND EGRESS BUT IT COULD NOT THEN SAY, WELL, WE'LL PIPE THE CLASS IN TO THE MOBILITY IMPAIRED STUDENT AT A DIFFERENT LOCATION BECAUSE THE BUILDING DIDN'T NEED TO BE INACCESSIBLE. SO, TOO, THE SONY BOOK READER MAY BE INACCESSIBLE BUT THAT'S THE RESULT OF DESIGN CHOICE NOT THE INHERENT CHARACTER OF E BOOK READERS. SO IT'S NOT OPEN TO THE UNIVERSITY TO SAY YES THIS TECHNOLOGY IS INACCESSIBLE BUT THE SOLUTION IS WE'RE GOING TO OFFER SOMETHING THROUGH A SEPARATE CHANNEL. AN E BOOK MAY BE PRESENTED IN A FORMAT THAT'S NEITHER SELF VOICING OR COMPATIBLE WITH SCREEN ACCESS SOFTWARE BUT THAT'S A MATTER OF MANUFACTURE AND CAN'T JUSTIFY SEPARATE ACCESS. SO THE FIRST MESSAGE I HAVE FOR YOU IS THE CURRENT LAW DOES NOT SUPPORT MAKING A SEPARATE COPY OF AN E BOOK BECAUSE THEN WE'RE BACK TO THE ARCHITECT TO PUT STAIRS IN AS THE ONLY WAY IN AND OUT OF THE BUILDING. THERE ARE A COUPLE OF CORE DOCUMENTS, AND I UNDERSTAND FROM DAVID THIS MORNING THAT ONE OF THEM YOU ALL GOT INITIALLY AND THAT'S THE JUNE 29, 2010, LETTER FROM THE DEPARTMENT OF JUSTICE AND DEPARTMENT OF EDUCATION ON THE KINDLE AND I'M GOING TO MAKE SOME REFERENCES TO THAT. BUT THERE'S AN EARLIER DOCUMENT -- AND BY THE WAY, IF ANYBODY DOESN'T HAVE THAT, I DIDN'T KNOW YOU ALL HAD COPIES, SO I HAVE 17 THUMB DRIVES WITH ME, EACH HAVE -- WITH A COPY OF THAT LETTER, IF ANYBODY WANTS THEM. THEY HAVE OUR CORPORATE LOGO ON THEM. BUT THERE'S AN EARLIER DOCUMENT THAT I SHOULD HAVE PUT ON THERE, BECAUSE SOME OF YOU MAY NOT HAVE SEEN IT, THAT I THINK IS ALSO QUITE RELEVANT, AND IT'S THE AGREEMENT THAT THE OFFICE OF CIVIL RIGHTS AND DEPARTMENT OF EDUCATION REACHED WITH CAL STATE BACK IN 1997. BECAUSE I THINK IT -- IT LAYS OUT VERY NICELY A LOT OF THE GROUND WORK. THE COMPLAINT THAT WAS AT ISSUE THERE INVOLVED CAL STATE'S LIBRARY RESOURCES, CAMPUS PUBLICATIONS AND THEIR OPEN COMPUTER LABS. NONE OF THOSE WERE ACCESSIBLE. AND IN THE LETTER AGREEMENT, OCR TALKS ABOUT THE THREE BASIC COMPONENTS OF EFFECTIVE COMMUNICATION ARE TIMELINESS OF DELIVERY, ACCURACY OF THE TRANSLATION, AND PROVISION IN A MANNER AND MEDIUM APPROPRIATE TO THE SIGNIFICANCE OF THE MESSAGE AND THE ABILITIES OF THE INDIVIDUAL WITH THE DISABILITY. THOSE ARE, I THINK, VERY HELPFUL NOTIONS, THE TIMELINESS IS KIND OF OBVIOUS. YOU CAN'T COMPETE ON AN EQUAL BASIS IF EVERYBODY ELSE HAS HAD THE BOOK FOR TWO MONTHS AND YOU'RE ONLY GETTING IT AT THE TIME OF THE MID TERM. I THOUGHT IT WAS AN INTERESTING WAY TO PUT THINGS ABOUT THE

May 4, 2011 Transcript of Meeting

PROVISION IN A MANNER OR MEDIUM APPROPRIATE TO THE SIGNIFICANCE OF THE MESSAGE. I THINK THAT PREDICTED QUITE NICELY THE ISSUES WE TALK ABOUT WITH WHAT LABELS HAVE TO -- HOW ADEQUATE DO YOU LABEL A GRAPHIC, FOR EXAMPLE, IN AN E-BOOK? ANOTHER CRITICAL THING AND, AGAIN, THIS WILL HAVE TO DO WITH HOW WE THINK ABOUT HOW TO ENFORCE OR MAKE REAL WHAT YOU ALL DECIDE TO DO. THE DEPARTMENT OF EDUCATION SAID THE COURTS HAVE HELD THAT A PUBLIC ENTITY VIOLATES ITS OBLIGATIONS UNDER THE ADA WHEN IT SIMPLY RESPONDS TO INDIVIDUAL REQUESTS FOR ACCOMMODATION ON AN AD HOC BASIS AND REQUIRES A COMPREHENSIVE POLICY. ONE OF THE THINGS THAT NEEDS TO HAPPEN HERE IS THAT THE TRIGGER SHOULD NO LONGER BE THE STUDENT FINDING OUT THE FIRST DAY OF CLASS THAT THE TECHNOLOGY IS INACCESSIBLE AND THEN THE SCHOOL SCRAMBLING TO RESPOND AT THAT POINT, BECAUSE IT'S ALREADY TOO LATE. THE DEPARTMENT OF EDUCATION WENT ON TO SAY THE MAGNITUDE OF THE TASK PUBLIC ENTITIES NOW FACE IN DEVELOPING SYSTEMS FOR BECOMING ACCESSIBLE TO INDIVIDUALS ESPECIALLY WITH RESPECT TO PRINTED MATERIALS ACCESSIBLE TO PERSONS WITH VISUAL IMPAIRMENTS, IS COMPARABLE TO THE TASK PREVIOUSLY UNDERTAKEN IN DEVELOPING A PROCESS BY WHICH BUILDINGS WERE BROUGHT UP TO SPECIFIC ARCHITECTURAL STANDARDS FOR ACCESS. THAT'S SO STRIKING THAT IN 1997 THEY WERE PREDICTING EXACTLY WHAT YOU ALL ARE HERE TODAY TO TRY TO FIGURE OUT. BUILDINGS IN EXISTENCE AT THE TIME THE NEW ARCHITECTURAL STANDARDS WERE PROMULGATED ARE GOVERNED BY PROGRAM ACCESS STANDARDS, HOWEVER, BUILDINGS AFTER THE ENACTMENT ARE STRICTLY HELD TO THE NEW STANDARDS ON THE PREMISE THAT THE BUILDING IS ON NOTICE. ONE WHO BUILDS IN DISREGARD OF THOSE STANDARDS IS ORDINARILY LIABLE FOR THE SUBSEQUENT HIGH COST OF RETROFITTING. AGAIN, YOUR TASK IS DIVIDED BETWEEN WHAT DO WE DO ABOUT THE LEGACY STUFF AND HOW DO WE HOLD PEOPLE ACCOUNTABLE GOING FORWARD? THE DEPARTMENT OF EDUCATION WENT ON TO SAY SIMILARLY FROM THE DATE OF THE ENACTMENT OF TITLE 2, WHEN MAKING PURCHASES AND WHEN DESIGNING ITS RESOURCES, A PUBLIC ENTITY IS EXPECTED TO TAKE INTO ACCOUNT ITS LEGAL OBLIGATION TO PROVIDE COMMUNICATION TO PERSONS WITH DISABILITIES THAT IS AS EFFECTIVE AS COMMUNICATION PROVIDED TO NONDISABLED PERSONS. AND THEN COMES THE VERY INTERESTING LANGUAGE, WHEN A PUBLIC INSTITUTION SELECTS SOFTWARE PROGRAMS AND/OR HARDWARE EQUIPMENT THAT ARE NOT ADAPTABLE FOR ACCESS BY PERSONS WITH DISABILITIES, THE SUBSEQUENT SUBSTANTIAL EXPENSE OF PROVIDING ACCESS IS NOT GENERALLY REGARDED AS AN UNDUE BURDEN WHEN SUCH COSTS COULD HAVE BEEN SIGNIFICANTLY REDUCED BY CONSIDERING THE ISSUE OF ACCESSIBLE AT THE TIME OF THE INITIAL SELECTION. THE -- THIS, AGAIN, IS SOMETHING THAT YOU ALL NEED TO DEAL WITH. SINCE THE DAY THAT E-BOOKS WERE FIRST SOLD AND E-BOOK RELATED SOFTWARE WAS FIRST SOLD TO THE CAMPUSES, THIS HAS BEEN THE REQUIREMENT,

i

ACCESSIBILITY. AND ANY ISSUE OF FIXING WHAT'S HAPPENED BETWEEN THE DATE THAT THESE -- THESE THINGS FIRST WENT ON THE MARKET AND WERE SOLD TO UNIVERSITIES AND TODAY IS NOT THE LEGACY PRODUCT LIKE THE BUILDING THAT WENT UP BEFORE THE EFFECTIVE DATE OF THE ADA. THOSE ARE ALL THINGS THAT WENT UP AFTER THE EFFECTIVE DATE OF THESE LAWS AND, THEREFORE, HAVE TO BE FIXED AT THE EXPENSE OF SOMEONE. NOW, THE OTHER THING THAT I THINK BEARS VERY MUCH HERE ON YOUR TASK IS THE STATEMENT, WHEN LOOKING AT EXACTLY WHICH OF ITS RESOURCES A LIBRARY IS OBLIGATED TO PROVIDE AN ACCESSIBLE MEDIUM, THE SHORT ANSWER IS ANY RESOURCES THE LIBRARY MAKES AVAILABLE TO NONDISABLED PATRONS MUST BE MADE AVAILABLE TO BLIND PATRONS. THIS INCLUDES THE LIBRARY CATALOG, DAILY NEWSPAPERS, AND THE INTERNET.

## May 4, 2011 Transcript of Meeting

OBVIOUSLY THAT'S BEEN HONORED AND BREACHED AND LARGELY IGNORED, BUT WHAT IS INTERESTING ABOUT THAT IS AS YOU REFLECT ON WHAT IS GOING TO BE THE LEGAL OBLIGATION OF LIBRARIES GOING FORWARD, WE RESPECT BUYING eBOOKS AND THE ANSWER IS PRETTY CLEAR, ONLY BUY ACCESSIBLE eBOOKS. THE LETTER SAYS, ALSO, MODERN ADAPTIVE TECHNOLOGY IS RADICALLY AFFECTED THE DEGREE TO WHICH IT IS ECONOMICALLY FEASIBLE TO MAKE COMPUTER MATERIALS ACCESSIBLE TO BLIND PATRONS. AGAIN, HIGHLY PREDICTED 14 YEARS AGO. AND GOES ON TO SAY THE LARGER AND MORE FINANCIALLY ENDOWABLE LIBRARY, A GREATER VOLUME OF INFORMATION WILL BE MADE AVAILABLE IN A SHORTER PERIOD OF TIME. ANYWAY, I COMMEND THIS TO YOU, BUT IT SETS THE STAGE, I THINK, BY MAKING CLEAR THAT THE LAW HERE PRECEDES THE PROBLEM AND PRECEDES THE MARKET, AND IT'S THE JOB OF THE MARKET TO MEET THE REQUIREMENTS OF THE LAW. THE SECOND SORT OF, I THINK, CRITICAL DOCUMENT IS THE JUNE 29, 2010 LETTER THAT CAME OUT OF THE KINDLE ISSUES, AND I JUST OFFER TO YOU TWO THINGS THAT I THINK ARE WORTH NOTING -- THERE'S ACTUALLY MORE THAN TWO, BUT I'M ONLY GOING TO TAKE YOUR TIME FOR TWO. ONE IS THE VERY CLEAR STATEMENT THAT REQUIRING USE OF AN EMERGING TECHNOLOGY IN A CLASSROOM ENVIRONMENT WHEN THE TECHNOLOGY IS INACCESSIBLE TO THE ENTIRE POPULATION OF INDIVIDUALS WITH DISABILITIES, THOSE WITH VISUAL DISABILITIES, IS PROHIBITED BY THE ADA, SECTION 504. GOOD CLEAR STATEMENT OF EXACTLY WHAT THE REQUIREMENT IS. THE OTHER STATEMENT THAT I THINK IS WORTH NOTING HAS TO DO WITH WHAT WE'RE TALKING ABOUT WITH ACCESSIBILITY. AND THERE THE -- THE LETTER SPEAKS OF UNIVERSITIES PURCHASING, REQUIRING, OR RECOMMENDING THE USE OF TECHNOLOGY AND SAYS, IN TERMS OF WHAT IS ACCESSIBLE TECHNOLOGY OR ACCESSIBLE CONTENT, IS THAT A STUDENT CAN ACQUIRE THE SAME INFORMATION, ENGAGE IN THE SAME TRANSACTIONS, AND ENJOY THE SAME SERVICES AS SIGHTED STUDENTS WITH SUBSTANTIALLY EQUIVALENT MEANS OF USE. WHICH IS ESSENTIALLY JUST A RESTATEMENT OF THE EQUAL OPPORTUNITY LANGUAGE THAT WE TALKED ABOUT IN THOSE TWO STATUTES. SO THIS IS THE BASELINE OF -- OF WHERE THE -- WHERE THE LAW LIES. SO FROM THE POINT OF VIEW OF THE -- EXCUSE ME. LET ME BACK UP. FROM THE VIEW OF CONTENT, WE UNDERSTAND WHAT

6

SAME INFORMATION MEANS. IT'S GETTING ALL THE SAME INFORMATION. BUT IT ALSO MEANS THAT THE TECHNOLOGY USED TO ACCESS THE CONTENT, WHETHER THAT'S THE NOOK STUDY, THE KINDLE, THE SONY BOOK READER, WHATEVER, THAT TECHNOLOGY AND ITS FEATURES, GROUP ANNOTATIONS, INSTANT LOOKUP, LINKS TO OTHER MATERIALS ON THE SAME TOPIC, ALL OF THOSE HAVE TO BE AVAILABLE, AS WELL. SO IT'S NOT ENOUGH TO GO AND SAY, WELL, YOU'VE GOT THE SAME CONTENT AS EVERYBODY ELSE. YOU'VE GOT TO ALSO HAVE THE SAME TECHNOLOGY THAT EVERYBODY ELSE IS GETTING. I HAD PUT IN MY NOTES TO SAY TO YOU TODAY THAT AS FAR AS I COULD TELL, MOST OF THE DIGITAL BOOKS IN THE POST SECONDARY FIELD ARE BEING OFFERED WITH THE ASSOCIATED TECHNOLOGY, LIKE NOOK STUDY AND COURSE MART, BUT I WAS ROUNDLY BEAT ABOUT THE HEAD AND SHOULDERS BY MY FRIENDS, THE PUBLISHERS OVER DINNER LAST NIGHT AND SINCE THEY PAID FOR DINNER, I CAN'T COMPLAIN ABOUT MUCH. THEY SAID, OH, NO, NO, NO WE'RE STARTING TO OFFER THOSE SAME FEATURES FOR OUR BOOKS. AND WHICHEVER IS THE CASE, HOWEVER THEY'RE OFFERED, THE TECHNOLOGY'S GOT TO WORK WITH IT. AND INDEED I HAD SEEN BEFORE LAST NIGHT SORT OF THIS NEXT DEVELOPMENT, THE E RESOURCES THAT INCLUDE NOT ONLY THE CONTENT AND NOT ONLY THE FEATURES, BUT LINKS TO OTHER WEB SITES FOR COURSE RELATED CONTENT, ON-LINE HOMEWORK AND QUIZZES AND STUFF THAT ARE OFFERED UNDER NAMES LIKE MCGRAW-HILL CONNECT. AND AGAIN IF YOU JUST FOCUS ON THE CONTENT, YOU'RE GOING TO MISS

## May 4, 2011 Transcript of Meeting

A CRITICAL PART OF THE -- OF THE TASK HERE. SO I THINK WHAT THIS MEANS IS THAT IF THE UNIVERSITY IS SUFFICIENTLY IMPLICATED, THESE LAWS COME INTO PLAY. THERE'S OBVIOUSLY A QUESTION ABOUT HOW MUCH IS SUFFICIENTLY IMPLICATED. IF BARNES & NOBLE IS OFFERING THE NOOK STUDY BOOK BUT NO PROFESSOR IS SAYING, BUY THE NOOK STUDY BOOK, IS THE -- THE UNIVERSITY IMPLICATED? CERTAINLY IF THE PROFESSOR SAYS BUY THE NOOK STUDY BOOK, ALL OF THIS COMES INTO PLAY. IF THE STUDENTS WITH THE TACIT APPROVAL OF THE PROFESSOR ARE USING THE GROUP CHAT AND THE LIKE, THEN I THINK WE'RE BACK IN THE SAME TERRITORY, THAT THESE LAWS KICK IN. AND IT'S ALWAYS A QUESTION OF AGENCY, BUT IT DOESN'T -- IT DOESN'T -- NOBODY HAS TO UTTER THE WORDS FROM THE UNIVERSITY, "USE THIS" IF IT'S WIDELY BEING USED AND IT'S BEING SHARED BY ALL THE STUDENTS. AND SO TO THE LIBRARIES, I THINK, ARE NOT GOING TO BE ABLE TO BUY INACCESSIBLE eBooks. ONE COULD MAKE THE ARGUMENT THAT PERHAPS THEY COULD BUY AN ACCESSIBLE AND INACCESSIBLE VERSION OF THE E-BOOK, AS LONG AS THERE WERE -- YOU HAD READILY AVAILABLE THE ACCESSIBLE VERSION OF -- I'M NOT SURE WHY THEY MIGHT WANT TO DO THAT. I GUESS THAT'S THEORETICALLY POSSIBLE. AND ONE OF THE THINGS THAT, RIGHT NOW, SEEMS IMPOSSIBLE, BUT I SUGGEST TO YOU IN THREE OR FOUR YEARS MAY BE TOTALLY PLAUSIBLE, IS THE IDEA THAT FACED WITH A CHOICE OF BUYING A PRINT

7

BOOK OR eBook, THE LIBRARY WILL BUY THE eBook BECAUSE IT WILL SIMPLY BE THE ACCESSIBLE VERSION. NOW, LET ME MOVE A LITTLE BIT AWAY FROM MY LEGAL DESCRIPTION AND SHARE WITH YOU AN INSIGHT. I HOPE IT'S AN INSIGHT -- THAT HAS COME FROM THE FACT THAT I HAVE BEEN TALKING WITH A LOT OF UNIVERSITIES LATELY IN VARIOUS SETTINGS BECAUSE FOR WHATEVER REASON THESE COMPLAINTS AGAINST UNIVERSITIES DEPLOYING INACCESSIBLE EDUCATIONAL TECHNOLOGIES SEEMS TO HAVE CAUGHT THE ATTENTION OF THE UNIVERSITIES, SO WE TALK A LOT THESE DAYS. AND I DON'T THINK THEY ARE GOING TO CONTINUE TO ACCEPT BEING THE SOLE CARRIER OF THE LEGAL LIABILITY. I'M GETTING QUESTIONS FROM A LOT OF THE SCHOOLS ABOUT, DO I HAVE SAMPLE INDEMNITY CLAUSES THAT I CAN SHARE WITH THEM, SAMPLE OF REPRESENTATION AND WARRANTY CLAUSES THAT I CAN SHARE WITH THEM? THERE SEEMS TO BE A SEA CHANGE FROM THE VENDORS CONTROL OUR LIVES AND WHAT CAN WE DO TO, IT'S WORSE GETTING PUBLICLY SHAMED WITH A COMPLAINT TO A FEDERAL AGENCY. AND I THINK WE MAY SEE SOME OF THE TRADE ASSOCIATIONS START TO SHARE LANGUAGE IN THIS REGARD IN THE THEORY THAT MAYBE IN UNITY THERE'S STRENGTH, AND I THINK THAT THIS IS SOMETHING THAT'S -- THAT YOU NEED TO TAKE INTO ACCOUNT AS YOU DRAFT SOLUTIONS. THERE WAS A VERY INTERESTING IDEA LAST NIGHT FROM -- FROM -- HELP ME, BRUCE.

>>: RICK?

>>: RICK. THANK YOU, FROM RICK BOWES OF LAST NIGHT, THAT PERHAPS IF THERE WAS SOME KIND OF ENTITY THAT WAS DOING QUALITY CONTROL THAT IS INDICATING WHETHER A PARTICULAR BOOK PASSED THE STANDARDS THAT ARE REQUIRED, IF YOU ALL THINK STANDARDS SHOULD BE SET, OR DOES NOT, COULD END UP GIVING A LOT OF SAFE HARBOR, BOTH TO PUBLISHERS AND TO UNIVERSITIES, AND WOULD -- I KNOW IT WAS A GREAT DEBATE YESTERDAY BUT THIS QUESTION ABOUT PRIVATE RIGHT OF ACTION. IT WOULD CERTAINLY TELL THE COMPANY THAT GOT ITS CERTIFICATION BEFORE AND SOLD IT THAT IT WOULD BE SAFE AND THAT THE ONES WHO WOULDN'T BE SAFE, THEIR COMPETITORS WHO ARE SAVING COSTS BY NOT BEING FULLY ACCESSIBLE. BUT I THINK THAT THE IDEA OF

HAVING SOME KIND OF CERTIFICATION PROGRAM COULD ADDRESS THE RESPONSE FROM THE UNIVERSITIES THAT WE'RE NOT GOING TO CARRY THIS ALONE. AND LET ME SAY -- I'M NO -- NO PARTISAN HERE FOR ANY ONE OF THE GROUPS OTHER THAN THE DISABILITY RIGHTS GROUPS, BUT I DO GET THE IDEA THAT A UNIVERSITY MAY BE ASSIGNING THOUSANDS OF TEXTS EACH YEAR, AND SO EVEN IF THEY SAY, OKAY, WE KNOW THAT THE iPad AND I BOOKS ARE ACCESSIBLE, THAT'S NOT GOING TO CARRY THE DAY, BECAUSE THERE'S STILL A QUESTION OF DOES THAT ECONOMICS TEXTBOOK HAVE ADEQUATE DESCRIPTIONS FOR THOSE SCATTER GRAPHS? AND THERE'S NO AUTOMATED WAY TO CHECK THAT. SO ARE YOU TWICE A YEAR GOING TO DO A HAND CHECK OF THOUSANDS OF BOOKS TO FIND OUT WHETHER YOU ARE MEETING YOUR LEGAL LIABILITY OR NOT? IT'S A REAL PROBLEM. AND THE -- THIS MAY -- THE FACTS THAT THE UNIVERSITIES ARE HAVING TO FIGURE OUT WHAT'S ACCESSIBLE

8

AND MAY NOT, AND I ADMIT TO SOME PRIDE IN THIS, MAY CONTRIBUTE TO THE BLOG THAT STEVE RAMONA DID, THE LEAD WAS WHICH IS DAN GOLDSTEIN IS A COLOSSAL PAIN IN THE BUTT. AND WE'RE TRYING HERE, I THINK, TO COME UP WITH A BUTT PAIN CURE. (LAUGHTER).

>>: SO IN THE PROPOSAL THAT YOU ALL DISCUSSED YESTERDAY, THE GOAL LINE OF WHAT CONSTITUTES ACCESSIBILITY TODAY WOULD BE DEFINED BY A COMMITTEE THAT WOULD FUNCTION LIKE THE ACCESS BOARD, AND THEN THE RESPONSIBILITY WOULD EVOLVE APPROPRIATELY TO THE PUBLISHERS TO MEET THE STANDARDS FOR CONTENT AND THE SOFTWARE DEVELOPER TO MAKE SURE THAT THERE'S A WAY TO MAKE THE SOFTWARE FEATURES AND THE CONTENT ACCESSIBLE. AND THEN THE RESPONSIBILITY'S ALREADY THERE ON THE SCHOOLS NOT TO REWARD THE LAW BREAKERS BY BUYING FROM THOSE WHO AREN'T SPENDING THE TIME TO MAKE THE CONTENT AND SOFTWARE ACCESSIBLE. BUT ONE WAY OR THE OTHER, THE SCHOOLS AREN'T GOING TO GRASP IT ALONE. EVERYONE'S GOING TO NEED TO MEET THE STANDARDS AND SHARE ACCOUNTABILITY. FINALLY, I'D LIKE TO MAKE SOME COMMENTS ABOUT WHAT I THINK ARE AND AREN'T THE MARKET DRIVERS HERE TOWARDS ACCESSIBILITY. THE FIRST PUBLICLY AVAILABLE eBook WAS DEVELOPED BY MICHAEL HART IN 1971, AND WHILE THE EBOOK ACTIVITY WAS DIRECTED AT MAKING PUBLIC DOMAINS AVAILABLE, ACCESSIBILITY WAS THE ORDER OF THE DAY. WE'RE SEEING EARLY ON EBOOKS. IN 1988, AGAIN, ACCESSIBLE. BUT AS SOON AS WE GOT INTO COPYRIGHTED MATERIAL, THE MARKET DROVE THE OTHER WAY, BECAUSE THE YEAR AFTER GEORGE -- ACTUALLY, IT WAS THE SAME YEAR THAT GEORGE DID THAT, WE GOT THE FIRST COMMERCIALY AVAILABLE EBOOK READERS AND THOSE EBOOK READERS AND THE eBooks WERE INACCESSIBLE. AND EVEN THE NEXT YEAR, THE OPEN ELECTRONIC BOOK FORM PUBLISHED A FORMAL STANDARD AND ONE OF THE SPECIFICATIONS WAS ACCESSIBILITY. NONETHELESS, THE NEXT THING THAT HAPPENED WAS WE GOT MICROSOFT THE NEXT YEAR AND SEVERAL OTHER COMPANIES COMING OUT WITH EBOOK READERS AND, AGAIN, INACCESSIBILITY WAS THE WORD OF THE DAY. THAT DID NOT CHANGE UNTIL LAST SUMMER WHEN THE iPad CAME OUT. SO YOU HAD AN 11-YEAR REIGN OF NOTHING BUT INACCESSIBILITY. NOW, WE ALL KNOW WHAT DROVE THE MARKET AWAY FROM ACCESSIBILITY OR WE THINK WE DO, WHICH WAS THE PERCEIVED NEED FOR DRM AS THE PROTECTOR AGAINST ILLICIT COPYING AND THE DIFFICULTY OF MAKING DIGITAL RIGHTS MANAGEMENT SOFTWARE BE EFFECTIVE AND HAVE SCREEN ACCESS SOFTWARE WORK AT THE SAME TIME. I'M NOT SURE THAT'S TRUE, BECAUSE WE ALL KNOW NOW WHAT SOME OF THE SOLUTIONS ARE TO THAT, WHETHER IT'S SELF VOICING SOFTWARE OR -- OR WORKING THROUGH AUTOMATION OR WHATEVER, I THINK THE TAKE AWAY MAY BE THAT THERE WAS NOTHING TO PUSH THE INDUSTRY TOWARDS SOLVING THE QUESTION OF HOW TO HAVE

## May 4, 2011 Transcript of Meeting

DRM AND ACCESSIBILITY AT THE SAME TIME. AND SO THERE WAS SIMPLY THE MARKET DIDN'T FEEL THE NEED TO ADDRESS THAT. LET ME JUST GIVE YOU AN EXAMPLE. I THINK IT REALLY IS TELLING THERE. IN 2009, WE TALKED TO THE

9

PRODUCT DEVELOPMENT TEAM -- I SAY WE, THE NFB AND I TALKED TO THE PRODUCT DEVELOPMENT TEAM FOR GOOGLE eBooks. THIS IS NOT FOR ALL OF YOU WHO GET THESE PRODUCTS CONFUSED AS I DO, THESE ARE NOT THE BOOKS THAT WERE THE SUBJECT OF THE FAILED SETTLEMENT, THESE ARE THE NEW BOOKS THAT ARE COMMERCIALY SOLD BY GOOGLE STARTING IN JANUARY OF THIS YEAR. WE TALKED IN 2009 AND THEY SAID, YOU KNOW, THESE BOOKS ARE GOING TO BE AVAILABLE ON.

>>: VIRTUAL BOOKSHELF AND THE WAY WE'RE GOING TO PROTECT THE DRM IS WE'RE GOING TO SCRAMBLE THE SIGNAL THOUSANDS OF TIMES EVERY SECOND, AND THERE'S JUST NO WAY THEN IT CAN WORK WITH SCREEN ACCESS SOFTWARE AND ANN TAYLOR FROM NFB SAID THAT'S NOT A PROBLEM, JUST PUT TEXT TO SPEECH ENGINES ON THE SERVERS AND YOU'LL STILL HAVE ACCESSIBILITY, JUST NOT THROUGH SCREEN ACCESS SOFTWARE AND GOOGLE SAID, WELL, THAT'S NOT IN YOUR CURRENT PLANS. AND -- AND IT DIDN'T NEED TO BE BECAUSE THE MARKET WASN'T REQUIRING IT. NOW, WHAT'S BEGUN TO DRIVE THE MARKET TO ACCESSIBILITY -- TOWARDS ACCESSIBILITY -- IS THAT THE POST SECONDARY INSTITUTIONS ARE NOW PERCEIVING THE NEED TO BE ACCESSIBLE, AND THAT IS, FRANKLY, THE PRODUCT OF THE KINDLE COMPLAINTS AND I KNOW THAT -- AND I'M VERY IMPRESSED BY WHAT COURSE MART IS NOW DOING, BUT I WAS HERE IN COLUMBUS SEVERAL YEARS AGO, AFTER THE UNIVERSITY SYSTEM OF OHIO SIGNED A CONTRACT WITH COURSESMART TO TELL THE UNIVERSITY SYSTEM OF OHIO THAT THE COMPLAINT WAS IN THE WORD PROCESSOR, THE VIOLATION OF TITLE 2 OF THE ADA AND SECTION 504, FOR ENTERING INTO THIS CONTRACT TO PURVEY THESE INACCESSIBLE eBooks, AND TO THEIR CREDIT, THEY HAVE -- THEIR REACTION TO IT WAS TO START WORKING ON MAKING COURSESMART BOOKS ACCESSIBLE. BUT, AGAIN, THE MARKET DRIVER TO DATE HAS BEEN THE DISABILITY RIGHTS COMMUNITY MAKING SOME NOISE. IT'S NOT ENOUGH TO SOLVE THE PROBLEM OF THOSE COMPLAINTS. I'M GOING TO SKIP OVER WHAT I HAVE BECAUSE I'M TAKING MORE TIME THAN WHAT I INTENDED. I THINK AT THIS POINT THERE IS A RISK THAT UNLESS WE HAVE SPECIFICATIONS, A SET OF STANDARDS FOR WHAT IS AND ISN'T ACCESSIBLE, THE MARKET CAN INSTALL, THE UNIVERSITIES ARE GOING TO BE AFRAID TO BUY ANYTHING, AND THE PUBLISHERS CERTAINLY ARE GOING TO BE AFRAID TO INDEMNIFY ON ANYTHING IF NOBODY KNOWS EXACTLY WHAT THOSE SPECIFICATIONS ARE. WHATEVER YOU ALL ADOPT, IF YOU DO, IN THE WAY OF HAVING A COMMITTEE SET STANDARDS OR SETTING STANDARDS YOURSELF, I HOPE THEY CAN EVOLVE BECAUSE THERE ARE OBVIOUSLY SOME THINGS THAT REALLY SHOULD LAP THAT CAN'T HAPPEN RIGHT NOW, LIKE TIME FILL GRAPHICS, BUT THE TIME IS GOING TO COME. BUT I WOULD SUGGEST TO YOU THAT IF WHAT YOU END UP PROPOSING IS SOMETHING THAT DOES NOT PERMIT ANY KIND OF REDRESS, THEN IT WILL A FAILURE. AND THE REASON I SAY THAT IS BECAUSE SOMETHING KNOWN AS SECTION 508. NOW, JUST TO BE CLEAR, SECTION 508 HAS NO APPLICATION TO THIS ISSUE. SECTION 508

10

APPLIES TO THE FEDERAL GOVERNMENT AND IT APPLIES TO CERTAIN RECIPIENTS OF MONEY LIKELY BREAKERS RECEIVE AND IT SETS STANDARDS FOR ELECTRONIC INFORMATION TECHNOLOGY ACCESSIBLE. BUT IT HAS NO APPLICATION TO

## May 4, 2011 Transcript of Meeting

UNIVERSITIES AND COLLEGES, IT HAS NO APPLICATION TO PUBLISHERS, IT HAS NO APPLICATION TO SOFTWARE DEVELOPERS. 508 IS A MASSIVE FAILURE. IN JULY OF THIS YEAR, JONATHAN LAZAR IS GOING TO PUBLISH AN ARTICLE IN WHICH HE TESTED 100 GOVERNMENT WEB SITE HOME PAGES. USING ONE VERSION OF THE TEST FOUR PASSED, USING ANOTHER VERSION OF THE TEST, SIX PASSED. I THINK IT AVERAGES OUT TO A 95% FAILURE RATE. THIS WAS FROM A STATUTE THAT WAS ENACTED IN 1999. THE REASON FOR THAT IS VERY SIMPLE. THE ONLY WAY TO GO AFTER THE INACCESSIBLE WEB SITES IS TO FILE AN ADMINISTRATIVE COMPLAINT. THE ONLY PERSON STUPID ENOUGH TO FILE SUCH ADMINISTRATIVE COMPLAINTS IS ME. (LAUGHTER) MY GRANDCHILDREN MAY SEE THEIR RESOLUTION. THERE'S NO TEETH IN IT. THERE'S NO WAY TO ENFORCE IT. THE OTHER WAY, AND THIS IS VERY -- VERY AFT TO WHAT YOU ARE TRYING TO FIGURE OUT. THE OTHER WAY TO ENFORCE SECTION 508 IS IF YOU'RE AN EMPLOYEE DEALING WITH INACCESSIBLE TECHNOLOGY ON THE JOB. SO, FOR EXAMPLE, AND THIS AGAIN TELLS US HOW SUCCESSFUL THINGS ARE, GSA ANNOUNCED THAT IT HAD MOVED TO THE CLOUD WITH GOOGLE APPS FOR GOVERNMENT, GOOGLE CALENDAR, INACCESSIBLE. GMAIL INACCESSIBLE. GOOGLE DOCS, INACCESSIBLE. AND I FORGOT WHAT THE OTHER ONE WAS IN THE PACKAGE. BUT ALL INACCESSIBLE. THERE'S NO CONSEQUENCE FOR GSA UNLESS ONE OF ITS 17,000 EMPLOYEES WHO ARE BLIND AND THERE ARE A NUMBER WHO ARE BLIND, FILE A COMPLAINT. AND I TALKED TO A NUMBER OF THEM. AND I DON'T THINK THERE'S GOING TO BE A COMPLAINT. YOU KNOW, IF YOU'RE BLIND AND YOU HAVE 15 YEARS IN ON THE JOB AND YOU'RE ALREADY PUTTING UP WITH THE FACT THAT A HUMAN READER HAS TO ENTER YOUR TIME AND LEAVE BECAUSE THAT SOFTWARE IS INACCESSIBLE, YOU'RE GOING TO MAKE A WISE CHOICE FOR YOU AND YOUR FAMILY, AND THAT'S TO KEEP YOUR MOUTH SHUT, EVEN THOUGH IT MEANS THAT NOW THE ONLY WAY YOU'LL KNOW WHAT'S GOING ON, GIVEN THE GOOGLE CALENDAR, IS THAT A HUMAN READER OR ASSISTANT IS GOING TO TELL YOU WHAT'S GOING ON, AND IS GOING TO HAVE TO INPUT AND READ TO YOU WHATEVER'S BEING DONE ON A COLLABORATIVE DOCUMENT AND THE LIKE. AND THE REASON THAT THAT MATTERS HERE, OTHER THAN WITH NO ENFORCEMENT, NO OBSERVANCE HAPPENS, IS THAT IN ORDER RIGHT NOW FOR THIS TECHNOLOGY TO BE ACCESSIBLE IN THE SPHERE WE'RE TALKING ABOUT, A FACULTY MEMBER OR A STUDENT HAS TO FILE A COMPLAINT. NOW, YOU ALL HEARD FROM CHRIS TOTH, LET ME TELL YOU -- AS THEY USED TO SAY ON THE ROAD, THE REST OF THE STORY. IN SEPTEMBER, THANKS TO SOME VERY GOOD WORK BY OCR, DEPARTMENT OF EDUCATION, IN SEPTEMBER, ALL THAT MATH SOFTWARE IS SUPPOSED TO BE ACCESSIBLE. HOWEVER, BONG CHRIS AND

11

HIS GIRLFRIEND JAMIE NOW NEED TO TAKE THE MATH CLASS AGAIN. AND THE DEPARTMENT OF VOCATIONAL REHABILITATION OF FLORIDA DOES NOT PAY FOR THE COST OF TAKING A CLASS THAT YOU FLUNKED AND FLORIDA STATE UNIVERSITY SAID WE'RE NOT EITHER. CHANCES ARE THAT CHRIS AND JAMIE AREN'T GOING TO GET THEIR COLLEGE DEGREES OR AT LEAST UNTIL WE FILED SUIT AGAINST FLORIDA STATE AND FIVE YEARS FROM NOW WE HAVE GOTTEN A VERY HEALTHY DAMAGE AWARD. AND THEN IF THEY WANT TO GO BACK TO SCHOOL AND THEY'VE GOTTEN ALONG UNTIL THEN, SO BE IT. BUTS THAT GOING TO GET OUT ON THE DISABLED STUDENT LISERVS SO WHAT WE HAVE RIGHT NOW, IF THE LIABILITY ALL RESIDES WITH THE UNIVERSITIES, IS A SITUATION WHERE THE ENFORCEMENT MECHANISM ARE PEOPLE WITH DISABILITIES WHO ARE WILLING TO SACRIFICE THEIR EDUCATION OR THEIR CAREERS AS A COST OF GETTING ALL THIS TO BE ACCESSIBLE. AND I SUGGEST TO YOU THAT THAT IS NOT AN ACCEPTABLE SOLUTION. THE SCHOOLS DON'T CONTROL THE PRODUCT, THEY DON'T HAVE THE EXPERTISE TO KNOW WHETHER SOMETHING'S ACCESSIBLE AND THEY WON'T REALLY UNDERSTAND IF A PARTICULAR TEXT IS

May 4, 2011 Transcript of Meeting

ACCESSIBLE UNTIL THE STUDENT SHOWS UP AND BY THAT POINT, IT'S TOO LATE. SO I SUGGEST TO YOU THAT THE MORE CURRENT FACTS MAKE IT CLEAR. LET THE MARKET CREATE COMPETITIVE ACCESSIBLE SYSTEMS WITH A VARIETY OF FEATURES SO LONG AS THERE IS A REQUIREMENT THAT BY A DATE CERTAIN, ALL OF THE -- THE CONTENT AND ALL OF THE TECHNOLOGY MEETS A CLEAR SET OF SPECIFIC ACCESSIBILITY STANDARDS SET BY A COMMITTEE AND UPDATED PERIODICALLY. WITH THE OPPORTUNITY FOR THOSE WHO ARE AFFECTED TO BE ABLE TO ACT WHEN THE LAW IS VIOLATED AGAINST THE VENDOR IF THE FAULT LIES WITH THE VENDOR. AGAINST THE PUBLISHER IF THE FAULT LIES WITH THE CONTENT. AGAINST THE SCHOOL IF IT FAILS ON THE DUTY TO PROVIDE THAT WHICH IS ACCESSIBLE. THANK YOU FOR YOUR ATTENTION. (applause)

>>: I WAS PRESENT WITH DAN AT THE DINNER LAST NIGHT SO I GOT A PREVIEW OF THE POINTS HE WAS GOING TO MAKE TODAY. I'LL TRY TO RESPOND TO THOSE BUT FIRST I THINK IT'S HELPFUL IF I PROVIDE THIS POWERPOINT PRESENTATION TO PROVIDE THE PERSPECTIVE THAT WE'RE COMING INTO THIS MEETING WITH. SO I THINK YOU DID HEAR A DIFFERENT PERSPECTIVE FROM THE PUBLISHER PANEL YESTERDAY, AND THAT WAS THAT OUR HIGHER ED MEMBER PUBLISHERS DO VIEW ACCESSIBILITY AS A MARKETPLACE REQUIREMENT. NOW, THE ACCESS TECH FRAMEWORK HAS BEEN IN THE PRINT ENVIRONMENT, OUR INDUSTRY WAS ASKED BY MANY IN THE DSS COMMUNITY TO HELP WITH THIS SORT OF SOLUTION FOR PRINT TEXTBOOKS AND THE DSS FRAMEWORK. AND IN RECENT YEARS, PUBLISHERS HAVE BEEN PROVIDING TENSE OF THOUSANDS OF ETEXT FILES ANNUALLY TO COLLEGE DSS OFFICES BUT THEY ARE VERY MUCH FOCUSED ON BUILDING ACCESSIBILITY DIRECTLY INTO THEIR PRODUCTS, PARTICULARLY AS THOUGH GO INCREASINGLY TO BORN DIGITAL MATERIALS AND MULTIMEDIA MATERIALS WITH MANY DIFFERENT FEATURES, SOME OF WHICH DAN HAS TALKED ABOUT, ALTHOUGH UNFORTUNATELY IN THOSE CONTEXTS, THE HARDWARE OR SOFTWARE PLATFORM IS NOT ACCESSIBLE. AND DAN

12

GAVE A VERY GOOD OVERVIEW OF ADA, TITLES 2 AND 3, SECTION 504. IN ADDITION TO SECTION 508, THERE ARE NUMEROUS STATE EQUIVALENTS OF 508 AND ALL OF THESE LAWS APPLY -- THEY CREATE LEGAL OBLIGATIONS FOR THE COLLEGES AND UNIVERSITIES TO FULFILL, BUT -- MOVING TO SLIDE 3, SORRY. I'LL CALL OUT THE SLIDES BECAUSE I CAN'T SEE THE SCREEN. ACCESSIBILITY, IN OUR VIEW IS AND WILL INCREASINGLY BE REQUIRED BY THE MARKETPLACE. BE IT REQUIRED BY THE INSTITUTION ITSELF WHEN IT IS THE PURCHASER OF MATERIALS OR ACCESS TO THE MATERIALS IN A DIGITAL FORMAT. A COMPETITIVE ADVANTAGE TO A PUBLISHER WHERE A PROFESSOR WHO'S KNOWLEDGEABLE ABOUT THESE MATERIALS SIGNS MATERIALS AND LOOKS FOR ACCESSIBILITY AS A PRODUCT FEATURE. WE BELIEVE THAT COLLEGES WILL INCREASINGLY INFORM AND ADVISE THEIR FACULTY REGARDING ASSIGNMENT OF ACCESSIBLE MATERIALS. THE STUDENTS WILL INCREASINGLY COMMUNICATE THE DESIRE FOR THESE FEATURES, AND WHILE I WAS NOT AUTHORIZED TO MENTION THE PUBLISHERS OR ANY OF THE OTHER DETAILS, I WAS AUTHORIZED TO SAY THAT TWO OF OUR MEMBER PUBLISHER REPORTED LOSING ADOPTIONS IN DIFFERENT STATES DUE TO ACCESSIBILITY REQUIREMENTS AND AT LEAST IN ONE CASE, THEY BELIEVE THEIR PRODUCT WAS MORE ACCESSIBLE THAN THE OTHER PUBLISHER'S PRODUCT THAT WAS ADOPTED BUT IT GOES TO SHOW THERE IS A MARKETPLACE DYNAMIC THAT WE BELIEVE IS EVOLVING AND WILL EXPAND QUICKLY: YESTERDAY THERE WAS A LOT OF DISCUSSION BOTH DURING THE PUBLISHER PANEL AND DURING DINNER ABOUT SECTION 508 IN THE CONTEXT OF STANDARDIZATION, AND THE -- THE ARGUMENT BEING THAT BECAUSE THE K-12 INSTITUTIONS ARE ABIDING BY 508 AND APPARENTLY IN ADDITION TO

GOVERNMENTAL BODIES THAT COLLEGE GRADUATE STUDENTS MAY GO ON TO WORK FOR, LARGE CORPORATIONS ARE STARTING TO REQUIRE 508 IN THEIR CONTRACTS. SO THE ARGUMENT WAS THAT 508 WOULD BE THE BEST STANDARD FOR THIS GROUP TO COALESCE AROUND FOR HIGHER EDUCATIONAL MATERIALS. SO I DON'T THINK THAT ISSUE WAS RESOLVED BUT AS DAN POINTED OUT, 508 PROVIDES THAT FEDERAL DEPARTMENTS AND AGENCIES, WHEN DEVELOPING, PROCURING, AND USING ELECTRONIC INFORMATION AND TECHNOLOGY, WILL ENSURE EQUAL ACCESS BOTH TO EMPLOYEES AND MEMBERS OF THE PUBLIC USING THESE TECHNOLOGIES. SO 508 PROMOTES MARKETPLACE SOLUTIONS, IT LEVERAGES THE FEDERAL GOVERNMENT'S POWER AS A PURCHASER. THE STANDARDS ISSUED BY THE ACCESS BOARD ARE A GUIDE BOTH FOR THE CONTENT PROVIDERS, DEVELOPER, AND GOVERNMENT AGENCY PROCUREMENT PERSONNEL AND LEAVE AMPLE ROOM FOR MARKETPLACE INNOVATION. I'M NOT A TECHNOLOGIST, BUT WHAT LITTLE I UNDERSTAND ABOUT THE 508 STANDARDS IS THAT SUBPART B OF THE ACCESS BOARD STANDARDS ADDRESS REQUIRED FUNCTIONALITY/PERFORMANCE OF SPECIFIED TECHNOLOGIES AND PRODUCT CATEGORIES AND THEN IN SUBPART C, YOU HAVE A -- SORT OF A HIGHER LEVEL SET OF FUNCTIONAL CRITERIA WHICH ARE REQUIRED WHERE MORE SPECIFIC FUNCTIONALITY AND PERFORMANCE CRITERIA FROM SUBPART B ARE NOT APPLICABLE. AND SUBPART C ALSO ALLOWS FOR WHAT IS REFERRED TO AS EQUIVALENT FACILITATION WHERE A PRODUCT CAN STILL BE 508 CLIENT, EVEN IF IT DOESN'T MEET APPLICABLE REQUIREMENTS IN SUBPART B, IF IT NEVERTHELESS MEETS THE FUNCTIONAL CRITERIA IN SUBPART C. AND MOVING ON TO SLIDE 7, AN FAQ FROM

13

THE GENERAL SERVICES ADMINISTRATION SAYS AGENCIES MUST DRAFT THEIR SOLICITATIONS FOR ELECTRON AND INFORMATION TECHNOLOGY SO THAT PRODUCTS OFFERING EQUIVALENT FACILITATION ARE CONSIDERED ALONG WITH THOSE THAT MEET THE TECHNICAL PROVISIONS OF SUBPART B OF THE STANDARDS. IN SHORT, THE CONCEPT OF EQUIVALENT FACILITATION IS DESIGNED TO ALLOW THE MARKETPLACE TO OFFER INNOVATIVE SOLUTIONS. SO I ALSO MENTIONED STATE EQUIVALENTS OF 508 AND TO GIVE A FEW EXAMPLES, NEW YORK STATE INFORMATION TECHNOLOGY POLICY NUMBER P08-005 ESTABLISHES MINIMUM ACCESSIBILITY REQUIREMENTS FOR WEB-BASED INFORMATION AND APPLICATIONS DEVELOPED PROCURED, MAINTAINED OR USED BY STATE ENTITIES, AND EXPRESSLY INCLUDE THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW YORK. AND INCORPORATES PARTS B AND C OF THE ACCESS FOR -- FEDERAL ACCESS BOARD STANDARDS. THERE'S ALSO CALIFORNIA GOVERNMENT CODE SECTIONS 11135 TO 11138 REQUIRING STATE AGENCIES AND ENTITIES TO COMPLY WITH THE 508 STANDARDS. FROM FLORIDA, THERE'S A SECTION OF THE STATUTE, CHAPTER 282, TITLE XIX, AND THE CALIFORNIA STATE UNIVERSITY'S ACCESSIBLE TECHNOLOGY INITIATIVE WEB SITE SAYS THAT MANY STATES HAVE ADOPTED THESE TYPES OF PROVISIONS OR POLICIES. AS YOU HEARD YESTERDAY, PUBLISHER'S PRODUCTS ARE INCREASINGLY BECOMING WEB-BASED, AND PUBLISHERS ARE ALREADY COMPELLED BY THE MARKETPLACE TO MAKE WEB-BASED PRODUCTS ACCESSIBLE TO MEET THE REQUIREMENTS SUCH AS -- OF CUSTOMERS SUCH AS A CAMPUS PURCHASING ACCESS TO A COURSE MANAGEMENT SYSTEM. AND LAST YEAR THE DEPARTMENT OF JUSTICE ISSUED A FEDERAL REGISTER NOTICE SAYING THAT THEY WERE ENGAGING IN AN INQUIRY REGARDING EXPANDING THE ADA TITLE 2 AND TITLE 3 IMPLEMENTING REGULATIONS TO COVER VARIOUS TYPES OF WEB SITES. SO WE THINK THAT THE ADA'S REACH WILL EXPLICITLY COVER MANY MORE WEB SITES WHEN THAT PROCESS IS COMPLETED. WE DID SOME COMMENTS IN RESPONSE TO THE FEDERAL REGISTER NOTICE AND NOTED THAT THE WCAG2.0 GUIDELINES PROVIDING SPECIFIC CRITERIA CONSISTENT WITH CURRENT TECHNOLOGY. WE BELIEVE THAT INSTITUTIONS WILL

ALSO DEMAND ACCESSIBILITY IN CONTENT OR RENDERING PLATFORMS. SO DAN TALKED ABOUT THE KINDLE DX ACTIONS AND THE RESULT OF THAT. SO IN AGREEMENTS WITH THE DEPARTMENT OF JUSTICE LAST YEAR, NUMEROUS INSTITUTIONS AGREED NOT TO PURCHASE, RECOMMEND, OR PROMOTE EBOOK READING DEVICES UNLESS THEY ARE ACCESSIBLE. A NUMBER OF OTHER TECHNOLOGY PILOTS AND PROGRAMS HAVE SINCE I THINK AROUND THAT TIME BEEN ANNOUNCED OR INTRODUCED. SO I -- ON SLIDE 11, I HAVE A LIST OF INSTITUTIONS THAT I KNOW OF THAT HAVE REPORTED COMMENCING IPAD PILOTS AND PROGRAMS. OKLAHOMA STATE, SETON HALL, ILLINOIS INSTITUTE OF TECHNOLOGY, GEORGE FOX, NORTH CAROLINA STATE UNIVERSITY, DUKE, REED, AND UNIVERSITY OF MARYLAND. AND MY NEXT SLIDE 12 TALKS ABOUT COURSESMART.COM AND I DID INCLUDE THAT UNIVERSITY SYSTEM OF OHIO HAD ENTERED INTO AN ARRANGEMENT WITH COURSE SMART. I DIDN'T KNOW NFB HAD TO GET INVOLVED THERE, BUT I THINK NEVER THE

14

LESS, THAT'S AN INDICATOR OF WHERE THINGS ARE GOING. THAT CAMPUSES ARE BECOMING AWARE AND INDEED THAT MAY BE BECAUSE OF THE STEPS THAT DAN AND NFB AND THE DEPARTMENT OF JUSTICE TOOK. IT WAS ALSO RECENTLY ANNOUNCED THAT UNIVERSITY OF MICHIGAN WILL INCORPORATE EBOOKS INTO THE UNIVERSITY SYSTEM AND IT HAS ALSO BEEN MENTIONED COURSE SMART AND VITALSOURCE SEEM TO HAVE GOTTEN A HANDLE ON THE ISSUE OF INTRAOPERABILITY BETWEEN THE TECHNICAL SECURITY SYSTEM AS ASSISTIVE TECHNOLOGY SOFTWARE. WHICH INDEED WAS A MAJOR STUMBLING BLOCK FOR OUR INDUSTRY FOR MANY YEARS. AT LUNCHTIME, YOU'LL BE HEARING FROM RICK JOHNSON OF VITALSOURCE. VITAL BOOK IS AN E TEXTBOOK SOLUTION. VITALSOURCE IS PART OF INGRAM, PART OF THE LARGEST DISTRIBUTOR OF PRINT BOOK PRODUCT IN THE US AND A MAJOR DISTRIBUTOR OF DIGITAL BOOK PRODUCT AND THE DIGITAL MARKETPLACE INITIATIVE OF CSU ANNOUNCED LAST YEAR PLANS TO LAUNCH A PILOT MAKING E TEXTBOOKS AVAILABLE THROUGH THE UNIVERSITY BOOKSTORE AT SAN DIEGO STATE UNIVERSITY USING VITALSOURCE'S BOOKSHELF SOFTWARE. AND IN FEBRUARY OF THIS YEAR, IT WAS ANNOUNCED THAT TEXT TECH A & M AT SAN ANTONIO MADE AN AGREEMENT TO MAKE VITALSOURCE TEXTBOOKS AVAILABLE TO ITS STUDENTS. I ALSO WANTED TO TALK A BIT ABOUT VARIOUS PIECES OF LEGISLATION THAT OUR ORGANIZATION AND OUR HIGHER ED MEMBERS AND OTHER MEMBERS IN VARIOUS CONTEXTS HAVE BEEN ABLE TO WORK ON SUCCESSFULLY WITH EDUCATORS AND DISABILITY SERVICES PROVIDERS AND ADVOCATES. AND THE PRIMARY PURPOSE OF THIS IS FOR ME TO OUTLINE FOR YOU SOME OF THE THEMES THAT HAVE BEEN IMPORTANT TO THE PUBLISHERS AND HAVE -- WHERE WE WERE ABLE TO ADEQUATELY ADDRESS THOSE ISSUES, WERE ABLE TO MOVE FORWARD VERY SUCCESSFULLY WITH THE OTHER STAKEHOLDERS. ON SLIDE 15, I'VE LAID OUT SOME OF THE MOST IMPORTANT PRINCIPALS IN OUR VIEW. ONE IS THAT WHERE A PUBLISHER IS NOT CURRENTLY IN A POSITION TO SERVE THE MARKET NEED, FACILITATE THE ABILITY OF THE SPECIALIZED SERVICE PROVIDER TO PROVIDE AN ACCESSIBLE FORMAT. HOWEVER, AT THE SAME TIME, PRESERVE THE ABILITY OF THE PUBLISHER TO SERVE THE MARKETPLACE DIRECTLY WITHOUT HAVING TO COMPETE AT THAT POINT IN TIME WITH THIRD PARTY VERSIONS WHICH MIGHT OTHERWISE BE NEEDED AND WHICH HAVE BEEN DEVELOPED UP TO THAT POINT. AND I'LL TALK ABOUT THAT IN MORE DETAIL IN SUBSEQUENT SLIDES. ALSO, RECOGNIZE THE PUBLISHER'S EXCLUSIVE RIGHTS UNDER COPYRIGHT AND AVOID UNDER MINING OR VIOLATING THOSE RIGHTS. AND THE PRINCIPLE THAT LOWER INCIDENCE NEEDS MAY BE MORE LIKELY CONTINUE TO NEED TO BE ADDRESSED BY DISABILITY PROVIDERS THAN HIGHER INSTANCE NEEDS SO LONG AS IT'S TECHNICALLY FEASIBLE FOR THE DSS OFFICE TO DO SO AND THE POINT IS WELL TAKEN THAT AS MATERIALS BECOME MORE COMPLEX THEN STANDARD

TEXTBOOKS THAT MAY NOT BE SOMETHING THAT THE DSS OFFICE MAY BE ABLE TO DO. SO ON SLIDE 16, I SUMMARIZE THE FIRST KIND OF BUCKET AND THAT IS STATE E-TEXT LAWS AND THESE ARE STATUTES IN I THINK ABOUT 12 STATES RIGHT NOW THAT REQUIRE PUBLISHERS, UPON REQUEST, TO PROVIDE THE COLLEGE DSS OFFICE WITH AN ELECTRONIC FILE OF A TEXTBOOK OR OTHER PRINTED INSTRUCTIONAL MATERIALS PRODUCT WHICH THE PUBLISHER SELLS AND IS BEING

15

USED IN A COURSE ON THE CAMPUS IN THE STATE IN WHICH THE STUDENT WITH A DISABILITY IS ENROLLED, WHERE THE STUDENT NEEDS SPECIALIZED FORMAT IN ORDER TO ACCESS THAT PRODUCT. AND IT'S IMPORTANT TO NOTE THAT OUR CITF PUBLISHERS FOR A LONG TIME HAVE FULFILLED E TEXT REQUESTS FROM DSS OFFICES REGARDLESS WHETHER THERE'S A STATE LAW IN A GIVEN STATE. BUT THAT WHEN LEGISLATION HAS BEEN INTRODUCED, WE RESPONDED AND IN SOME CASES HAVE BEEN ABLE TO WORK IN COOPERATION WITH OTHER STAKEHOLDERS TO COMPLETE THE DRAFTING OF THE LEGISLATION BEFORE IT WAS PASSED. SOME OF THESE STATUTES CONTAIN AN EXCEPTION TO THE REQUIREMENT THAT THE PUBLISHER PROVIDE AN E-TEXT. OR PROVIDE THAT THE DSS OFFICE WILL NO LONGER DISTRIBUTE THAT E-TEXT TO STUDENTS. IF AND WHEN THE PUBLISHER PROVIDES AN ELECTRONIC VERSION OF THE PRODUCT WHICH CONTAINS ACCESSIBILITY FEATURES MEETING THAT PARTICULAR STUDENT'S NEEDS. AND WE ACTUALLY NEGOTIATED SUCH A LAW AND POSITION FROM OFFICIALS AT NFB IN MARYLAND AND THAT RESULTED IN THE PASSAGE OF MARYLAND'S STATE E-TEXT LAW IN 2007: ANOTHER PIECE OF LEGISLATION THAT RESULTED FROM COOPERATIVE WORK BETWEEN THE PUBLISHING INDUSTRY AND OTHERS IS THE CHAFEE AMENDMENT ENACTED IN 1996. AT THE TIME, THEN EXISTING BODIES INCLUDING THE NATIONAL LIBRARY SERVICE FOR THE BLIND AND PHYSICALLY HANDICAPPED AT THE LIBRARY OF CONGRESS, OTHERWISE KNOWN AS NLS, RECORDING FOR THE BLIND, AS THAT ORGANIZATION WAS CALLED AT THE TIME, AND THE AMERICAN PRINTING HOUSE FOR THE BLIND, WERE LOOKING FOR A WAY TO CUT OUT THE PROCESS HAVING TO GO TO THE PUBLISHER FOR PERMISSION EACH TIME THEY WANTED TO CREATE AN ACCESSIBLE FORMAT FOR THEIR LIBRARY TO SERVE THEIR CONSTITUENTS WITH PRINT DISABILITIES. AND IT WAS ALSO CONTEMPLATED THAT NEW ENTITIES WOULD BE CREATED WITH SIMILAR ORGANIZATIONAL AND OPERATIONAL CHARACTERISTICS. THE CHAFEE AMENDMENT REMOVED THE REQUIREMENT TO GO TO THE PUBLISHER FOR PERMISSION FOR CERTAIN DEFINED TYPES OF PROGRAMS TO REPRODUCE AND DISTRIBUTE WHAT THE STATUTE REFERRED TO AS NON-DRAMATIC LITERARY WORKS THAT HAD ALREADY BEEN FIRST PUBLISHED. AND THE PERMISSION REQUIREMENT WAS DISCARDED IN ORDER TO CREATE A FORMAT WHICH WERE ACCESSIBLE TO PERSONS WITH DISABILITIES AS DEFINED BY CHAFEE AND RELATED LAW. THERE WAS A KEY ECONOMIC PREMISE WHICH ENABLED THE PUBLISHERS TO AGREE TO THESE PROVISIONS AND THAT WAS AT THE TIME, BLIND AND PHYSICALLY HANDICAPPED READERS, WHICH IS HOW THE STATUTE GENERALLY DEFINES PERSONS ELIGIBLE TO RECEIVE THESE FORMATS UNDER SECTION 121, WAS UNDERSTOOD AT THAT TIME TO BE A POPULATION AMOUNTING TO LESS THAN ONE PERCENT OF INDIVIDUALS NATIONWIDE SO PUBLISHERS DID NOT SEE THEMSELVES IN A POSITION TO SERVE THAT MARKET, PARTICULARLY SINCE PUBLISHERS WERE NOT PRODUCING BRAILLE. SECTION 21 WAS CAREFULLY CRAFTED TO LIMIT THE SCOPE OF THE PROVISION OF THE ALTERNATIVELY FORMATTED MATERIALS PURSUANT TO THE EXCEPTION SO THAT PUBLISHER'S ABILITY TO SERVE THE REMAINING MARKETPLACE OF READERS WOULD NOT BE UNDER MINED. SO SLIDE 19 PROVIDES SOME OF THESE LIMITATIONS. ONE IS THAT THE CHAFEE AMENDMENT APPLIES TO CERTAIN AUTHORIZED ENTITIES HAVING A PRIMARY MISSION TO PROVIDE SPECIALIZED SERVICES RELATING TO TRAINING, EDUCATION, OR

ADAPTIVE READING OR INFORMATION ACCESS NEEDS OF BLIND OR OTHER PERSONS WITH DISABILITIES. SECOND, AUTHORIZED ENTITIES MAY ONLY DISTRIBUTE THE MATERIALS IN SPECIALIZED FORMATS AS BRAILLE, AUDIO, OR DIGITAL TEXT WHICH IS EXCLUSIVELY USED BY THE BLIND OR OTHER PERSONS WITH DISABILITIES. AND THAT POPULATION IS -- I REFERENCED AT THE TIME BY A MUCH OLDER PIECE OF LEGISLATION, THE PRATT SMOOT LEGISLATION. AND, FINALLY -- ACTUALLY I'VE JUMPED INTO BULLET 3, THE DEFINITION OF ELIGIBLE PERSONS UNDER CHAFEE AND RELATED LEGISLATION. ON SLIDE 20, I DISCUSS A CAPTIONING LAW THAT WAS ENACTED IN CALIFORNIA IN OCTOBER OF 2009. THE BILL WAS ASSEMBLY BILL 386, AND IT AMENDED AB422, THE LANDMARK CALIFORNIA LEGISLATION PROVIDING FOR PUBLISHERS TO SUPPLY E-TEXT TO CALIFORNIA INSTITUTIONS. 386 PROVIDES FOR PUBLISHERS TO GIVE COLLEGE DSS OFFICES EITHER CAPTIONED VERSIONS OF THE AUDIO VISUAL INSTRUCTIONAL MATERIALS PUBLISHED BY THE PUBLISHER OR AN ELECTRONIC FORMAT AND A LICENSE TO CAPTION THOSE MATERIALS. AND, AGAIN, GOING BACK TO PRESERVING THE MARKETPLACE FOR PUBLISHER TO BE ABLE TO SERVE WHEN IT PROVIDES THE ACCESSIBLE FORUM REQUIRES THE INSTITUTION TO CEASE DISTRIBUTING ADDITIONAL COPIES OF THE CAPTIONED VERSION IF A CAPTIONED FORMAT BECOMES COMMERCIALY AVAILABLE FROM THE PUBLISHER. THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT OR IDEA WAS AMENDED IN 2004, AND RESULTED IN THE CREATION OF THE NIMAS STANDARD WHICH YOU'VE ALL TALKED ABOUT AND THE NIMAC REPOSITORY FOR SOURCE FILES FOR CONVERSION INTO ACCESSIBLE FORMATS FOR K-12 STUDENTS. AND IN AP HIGHER ED NOT BEEN SUPPORTIVE OF PROPOSALS FROM TIME TO TIME TO EXPAND THE NIMAC TO HIGHER ED BECAUSE EVEN THOUGH IT MAY WORK QUITE WELL FOR K-12, THE K-12 MARKET LENDS ITSELF BETTER TO A UNIFIED SOURCE FILE FORMAT FOR A VARIETY OF REASONS, INCLUDING CORE MATERIALS PRINTED IN MUCH LARGER NUMBERS AND ADOPTED AND PURCHASED BY THE STATES AND SCHOOL DISTRICTS, WHEREAS HIGHER ED MATERIALS -- THERE'S A MUCH LARGER NUMBER OF HIGHER ED PRODUCTS AND HIGHER ISBN NUMBERS AND THEY TEND TO BE IN SMALLER PRINT. NIMAS WILL, NEVERTHELESS, IN SOME CASES, LEGALLY BE USED BY HIGHER ED PUBLISHERS FOR DEVELOPING ACCESSIBLE PRODUCTS AND, OF COURSE, OTHER STANDARDS AND BEST PRACTICES WHICH DAN HAD TALKED ABOUT AND OTHERS YESTERDAY, WILL ALSO PROVIDE VALUABLE GUIDANCE. AND JUST TO CLOSE, I -- MOSTE MY RESPONSES TO DAN'S POINTS ARE SCRIBBLED SO FORGIVE ME FOR READING AND NOT BEING SPONTANEOUS. I THINK -- I THINK EVERYONE AGREES AS A GENERAL MATTER THAT THE MARKETPLACE SOLUTION, IF IT WORKS, IS THE BEST SOLUTION. LITIGATION CARRIES WITH IT MANY NEGATIVES. SO IF WE CAN FIGURE OUT A WAY TO BETTER SUPPORT THE MARKETPLACE WITHOUT A LITIGATION AGAINST PUBLISHERS MODEL, CERTAINLY THAT WOULD BE A GOOD THING AND SOMETHING THAT WE WANT TO EXPLORE FURTHER IN LIGHT OF THE ISSUES THAT DAN BROUGHT UP. IF GOVERNMENT AGENCIES AND THE COLLEGES AND UNIVERSITIES ARE NOT CARRYING OUT WHAT WAS ENVISIONED BY 508, ADA, WHAT CAN BE DONE OTHER THAN TRANSFERRING THE LIABILITY TO THE PUBLISHERS WHICH IS A ROUTE CONGRESS HAS CHOSEN NOT TO TAKE TO DATE. WE'VE HEARD ABOUT A TROUBLING ISSUE OF -- I THINK IT WOULD BE FAIRLY CALLED FALSE ADVERTISING, WHERE IN THE FORM OF A

MISREPRESENTATIVE OF VPAC OR OTHER CONCERN ABOUT A PRODUCT'S ACCESSIBILITY, THE COLLEGE IS BEING MISLED AND IT IS NOT NECESSARILY IN A POSITION TO VET EVERY FILE OR PRODUCT COMING THROUGH. SO RICK'S PROPOSAL

## May 4, 2011 Transcript of Meeting

AT THE END OF OUR FOUR-HOUR DINNER LAST NIGHT WAS A VERY INTERESTING ONE. IF THERE WAS THIS COMMITTEE FORMED WITH AMPLE REPRESENTATION FROM THE VARIOUS STAKEHOLDERS TO DEVELOP THESE GUIDELINES OR WHATEVER WE CALLED THEM, AND THEN THERE WAS SOME KIND OF A -- AND THIS WOULD BE VOLUNTARY COMPLIANCE, BUT IF THERE WERE A CERTIFICATION BODY THAT WAS -- THAT WAS OBJECTIVE AND WAS SOMEHOW FUNDED -- AND THAT I THINK WOULD BE A SIGNIFICANT ISSUE WOULD BE HOW TO DO THAT -- THEN THE CAMPUSES COULD SAY, OKAY, WELL, THAT PRODUCT MEETS THOSE SPECS, SO THAT SHOULD GIVE ME CONFIDENCE IN THE LARGE NUMBER OF CASES BASED ON THE ANALYSIS OF THESE EXPERTS. THE PRODUCT WOULD BE ACCESSIBLE TO MY STUDENT. IF IT'S NOT, THEN WE'LL FIGURE OUT HOW TO DEAL WITH THAT. MAYBE SOME PUBLISHERS HAVE DONE MORE TO THEIR PRODUCTS THAN ENCOMPASS THESE STUDENTS' NEEDS. SO I THINK THAT'S WELL WORTH EXPLORING. IF A CONTACT RENDERING DEVICE MAKER OR OTHER PLATFORM MAKER IS RUSHING INTO THE MARKET, TRYING TO GET THEIR FIRST AND DRAW THROWING ACCESSIBILITY OUT THE WINDOW JUST BECAUSE THEY WANT TO GET THERE FIRST, THAT'S AN ISSUE, AND THAT'S AN ISSUE THAT PUBLISHERS DON'T NECESSARILY CONTROL, EXCEPT TO THE DEGREE THAT THEY CHOOSE WHETHER OR NOT TO MAKE THEIR CONTENT AVAILABLE ON THAT PLATFORM. THE POINT THAT WAS MADE BY THE PUBLISHER REPRESENTATIVES WHO ATTENDED THE DINNER LAST NIGHT WAS WE DO EXERCISE THAT KIND OF DISCRETION AND CONTROL, BECAUSE WE DO A LOT OF WORK TO -- WE'RE CREATING ACCESSIBLE FORMATS, WE DON'T WANT ALL OF THAT TO BE LOST ON THE FLAT FORM BECAUSE THAT MEANS WE JUST DID A LOT OF WORK FOR A LOT OF EXPENSE FOR NOTHING. ALSO, IT WOULD BE HELPFUL AS TALKED ABOUT THE PUBLISHER PANEL YESTERDAY, TO WORK COLLECTIVELY AS A COMMISSION IN THE COMMUNITY TO HAVE A GREATER IMPACT ON THE TECHNOLOGY PROVIDERS AND IT SOUNDED FROM THE PANEL DISCUSSION YESTERDAY LIKE IT'S NOT ALWAYS SOMETHING A PUBLISHER INDIVIDUALLY CAN DO, BUT IF THERE ARE CONSENSUS POINTS ABOUT THINGS THAT REALLY NEED TO BE CHANGED IN THESE PLATFORMS THAT CAN BE COLLECTIVELY COMMUNICATED WITHOUT RUNNING AFOUL OF ANTITRUST LAWS, THAT WOULD SEEM TO BE A GOOD THING. AND I'M NOT AN ANTITRUST LAWYER, BUT IT IS MY UNDERSTANDING THAT UNDER WHAT'S KNOWN AS THE YORK PENNING TON DOCTRINE, WHEN YOU HAVE A COMMISSION OF THIS TYPE THAT WAS GOVERNMENT CREATED AND BROUGHT IN RECOMMENDATIONS TO THE GOVERNMENT, THERE IS SIMILAR LEEWAY TO DO THOSE SORTS OF THINGS IN THE INTEREST OF ACHIEVING POSITIVE RESULTS. DAN ALSO MADE THE POINT TODAY AND YESTERDAY THAT COLLEGES STARTED PAYING MORE ATTENTION TO THE ISSUE OF ACCESSIBLE PLATFORMS WHEN NFB AND INDIVIDUAL STUDENTS GOT INVOLVED IN THE DEPARTMENT OF JUSTICE GOT INVOLVED, THE LETTER WENT OUT TO PRESIDENTS AT INSTITUTIONS NATIONWIDE. I AGREE WITH THAT. BUT I DON'T THINK THAT MEANS THAT THOSE KINDS OF COMMUNICATIONS CAN'T CONTINUE -- AND FROM THE DEPARTMENT OF ED. THAT THOSE KINDS OF COMMUNICATIONS CAN'T CONTINUE FROM THE FEDERAL DEPARTMENTS, AND BE SUSTAINED, WITHOUT HAVING ARISEN FROM

18

SOMETHING LIKE THE KINDLE DX PILOTS. AND I THINK THAT THE COMMISSION WITH CAN PLAY A KEY ROLE IN ENCOURAGING THAT. MY FINAL POINT, BECAUSE DAN REFERENCED THE OPEN EBOOK FORUM, THAT'S TRUE FROM DAY ONE, GEORGE KERSHER WAS INVOLVED WITH OBF WHICH BECAME THE IBEF, WAS ON THE BOARD AND THEN BECAME THE PRESIDENT. BUT THE OPEN STANDARD FOR PUBLICATION FORMAT ALWAYS ENCOMPASSED ACCESSIBILITY AND PUBLISHERS WERE A PART OF IDPF ON -- ON THE VARIOUS COMMITTEES, AND ALSO SUPPORTED THE RECOMMENDATIONS FOR DRM SYSTEMS TO BE INTRA OPERABLE. SO THE CUSTOMER COULD BUY THE PRODUCT AND USE IT ON ANY PLATFORM. THERE ARE A LOT OF PRODUCTIVE THINGS THAT WE

May 4, 2011 Transcript of Meeting

SUPPORTED ALONG WITH THE OTHER MEMBERS OF IDPF, BUT WE HAVEN'T HAD CONTROL OVER THE SOFTWARE COMPANIES AND THE EBOOK PLATFORM PROVIDERS. SO I JUST WANTED TO MAKE THAT POINT BECAUSE I RECALL THOSE DISCUSSIONS AND I KNOW THE PUBLISHERS DID WANT THE RIGHT OUTCOME FROM THE PROCESSES. AND I THINK THE ORGANIZATION HAS COME A LONG WAY WITH EPUB IN PARTICULAR AND EPUB FREE, WHICH IS IN PUBLIC REVIEW RIGHT NOW. SO THANK YOU.

>>: THANK YOU. (applause)

>>: I THINK WE HAVE TO GIVE DAN A MINUTE TO RESPOND HERE.

>>: I APPRECIATE THAT. YOU READ MY MIND. THE -- ACTUALLY, THERE ARE MORE POINTS OF AGREEMENT THAN DISAGREEMENT, WHICH IS HEARTENING, ALTHOUGH THE POINTS OF DISAGREEMENT ARE TROUBLE SOME AND ARE GOING TO TAKE SOME HARD WORK TO -- TO SEE HOW WE CAN -- IF WE CAN REACH AN AGREEMENT THERE. FIRST, A STATEMENT OF SKEPTICISM OR AGNOSTICISM. I'M NOT PREPARED TO SAY THE MARKET MOMENTUM IS NOW IRREVERSIBLY IN FAVOR OF ACCESSIBILITY. I THINK IT IS WAY TOO SOON TO SAY THAT. AND TO PREMISE ACTION ON THE ASSUMPTION THAT NOTHING MORE NEED BE DONE TO DRIVE THE MARKET WOULD BE INCAUTIOUS. ED POINTED OUT THAT VITALSOURCE AND TEXAS A & M STARTED A PILOT STUDY. FIRST I WAS UNAWARE VITALSOURCE MADE THE LEAP AND I'M THRILLED ABOUT IT. BUT TEXAS A & M IS ALSO DOING A PILOT STUDY WITH THE NOOK STUDY, THE BARNES & NOBLE PRODUCT, WHICH UNARGUABLY INACCESSIBLE. AND THE REASON TEXAS A & M IS DOING THAT IS THEY WANT TO FIND OUT WHICH ONE THE STUDENTS -- IE THE SIGHTED STUDENTS, LIKE BETTER. THEY'RE DOING THESE STUDIES WITHOUT REGARD TO ACCESSIBILITY. SO I REALLY HAVE A TOUGH TIME WITH THE NOTION THAT THE -- THE MARKET DIRECTOR -- THIS IS A -- A SNOW BALL WITH THE KINDLE. WE -- WE LOOSENED A PEBBLE AND NOW THE AVALANCHE IS COMING DOWN WITH GIANT BOULDERS. IN MY DEAREST FANTASY, WE DID THIS, BUT WE DIDN'T DO THIS. IT HASN'T HAPPENED. THE -- AND LET ME JUST SAY, BARNES & NOBLE HAS SOMETHING TO THINK ABOUT ON THIS QUESTION OF LIABILITY AND WHERE DOES IT STAND? BARNES & NOBLE HAS THE NOOK STUDY NOW

19

AT 630 CAMPUSES, ACCORDING TO ITS WEB SITE. IT OPERATES, WHAT, 3,000 BOOKSTORES AT UNIVERSITIES, EITHER UNDER THEIR OWN NAME OR AS --

>>: YOU'RE WAY HIGH.

>>: WAY HIGH?

>>: THERE'S ONLY 4400 STORES. THEY HAVE ABOUT A SIXTH OR --

>>: SO A SIGNIFICANT -- A SIGNIFICANT --

>>: OKAY.

>>: -- NUMBER OF STORES. PUBLISHERS, WE ARE TOLD, ARE DRIVEN BY MONEY, WHICH I THINK IS A GOOD THING. AND I REALLY HAVE A HARD TIME WITH THE NOTION THAT THEY'RE GOING TO SAY, YOU GUYS ARE INACCESSIBLE. WE'RE NOT GOING TO DEAL WITH YOU. AND I JUST DON'T KNOW -- I IMAGINE, YOU KNOW, GOING TO THE BOSS AND SAYING, WELL, WE TURNED DOWN BARNES & NOBLE, THEY ONLY OFFERED US UMPTEEN MILLION IN SALES. AND IT LOOKS TO ME FROM -- AND

May 4, 2011 Transcript of Meeting

I HOPE I'M WRONG, BUT WHEN YOU LOOK AT HOW THEY'RE TRYING TO MARKET, IT LOOKS LIKE THEY'RE TRYING TO MARKET THIS SO THAT THE UNIVERSITIES CAN SAY WE HAVE NO LIABILITY. THE NOOK STUDY JUST CAME IN WITH THE STUDENTS. THEY WALKED OUT OF THE BOOKSTORE WITH IT. WE HAD NOTHING TO DO WITH IT. AND THEY MAY SUCCEED IN THAT. IN WHICH CASE HAVING THE UNIVERSITIES BE THE SOLE SOURCE OF LIABILITY MEANS THAT ALL YOU HAVE TO DO TO CONTINUE TO BE INACCESSIBLE IS DRIVE THROUGH A GIANT LOOP HOLE. SO I THINK THAT'S SOMETHING TO THINK ABOUT. LET ME MENTION A COUPLE THINGS WHERE I THINK WE ARE VERY MUCH IN AGREEMENT. I HEARD LAST NIGHT AND I THINK I HEARD AGAIN TODAY THAT THE ATN/DSS DISCUSSION IS ABOUT LEGACY PRODUCTS. IT IS NOT AND CANNOT BE UNDER CURRENT LAW A SOLUTION FOR THINGS THAT ARE OFFERED DIGITALLY. AND I THINK THERE IS AGREEMENT THERE. I THINK THERE IS THIS NOTION THAT CAME UP LAST NIGHT OF A CERTIFICATION PROCESS TAKES AWAY A LOT OF THE UNCERTAINTY AND A LOT OF THE HEAT, WHETHER THE LIABILITY'S EXPANDED OR NOT, BUT EVEN IF THE LIABILITY'S EXPANDED THEN THERE'S A CLEAR WAY TO -- IF YOU'RE A GOOD ACTOR. I ALSO THINK WE AGREE THAT REPLICATING NIMAC AT THE POST SECONDARY LEVEL IS NOT A GOOD IDEA, OUR REASONS MAY BE DIFFERENT. WE MAY NOT HAVE THE SAME ROSY VIEW OF HOW IT WORKED. I HEARD FROM ED AT THE K-12 LEVEL, BUT WE CERTAINLY AGREE WHATEVER THE REASONS, LET'S -- AND THAT, I THINK -- THE ONLY OTHER THING I WOULD POINT OUT, I GUESS, IS ON 508, SHOULD 508 BE THE STANDARD, SHOULD SOMETHING ELSE -- COMMITTEE SET OF STANDARDS? THE CHOICE IS WHETHER YOU WANT TO HAVE A STANDARD MAKING BODY THAT IS CONCERNED WITH EVERYTHING FROM XEROX MACHINES TO KIOSKS TO WEB SITES SET THE STANDARDS IN THIS AREA. IT MEANS SLOWER MOVEMENT, IT MEANS LESS FREQUENT CHANGE, AND IT MEANS LESS OF A VOICE FOR THE PUBLISHERS, NOT NECESSARILY LESS FOR THE

20

DISABILITY COMMUNITY, MIND YOU, BUT RECENT FOR THE PUBLISHERS. AND SO DO YOU WANT TO HAVE A SET OF STANDARDS WHERE THE PUBLISHERS HAVE MORE VOICE, IT'S FASTER, OR DO YOU WANT TO BE A PART OF SOMETHING LARGER. I THINK I CAST THAT IN SORT OF NOT QUITE NEUTRAL TERMS, BUT THAT'S WHAT I SEE AS THE CHOICE THERE. THANK YOU.

>>: OKAY. THANK YOU. I'D LIKE TO OPEN THIS UP NOW TO THE COMMISSION MEMBERS. COMMISSION MEMBERS, DOES ANYONE HAVE ANY QUESTIONS? WE'LL START WITH TUCK TINSLEY.

>>: TO EITHER ONE OF YOU, DOES THE ACCESS BOARD ACT AS A CERTIFYING BODY? DO THEY HAVE A GOOD HOUSEKEEPING SEAL OF APPROVAL?

>>: NO, THIS DOESN'T. THERE IS SOMETHING CALLED VOLUNTARY ASSESSMENT TEMPLATES AND THOSE WHO ARE SUPPLYING THE FEDERAL GOVERNMENT FILL THEM OUT. SOMETIMES THEY'RE ACCURATE. IF YOU LOOKED AT THE FIRST IPHONE WHICH WASN'T ACCESSIBLE. AFTER EACH FEATURE OF 508, IT SAID IT WILL NOT BE ACCESSIBLE TO SOMEONE WHO CANNOT SEE. IT DIDN'T STOP THE FEDERAL GOVERNMENT FROM BUYING IPHONES, SO SOMETIMES THEY'RE ACCURATE. MANY OF THEM, HOWEVER, I THINK IF I WERE A LIBRARIAN, I WOULD USE WHATEVER THE DEWEY DECIMAL CODE IS FOR FANTASY FICTION. (LAUGHTER).

>>: I HAD ANOTHER QUESTION. THE FUNCTION OF THE COMMISSION, MY UNDERSTANDING WHEN MARK PRESENTED IT, WAS TO -- TO REVIEW OR UPGRADE STANDARDS PREVIOUSLY SET AND FROM THE -- YOUR CONVERSATION LAST NIGHT

May 4, 2011 Transcript of Meeting

WITH THE PUBLISHERS WAS THE PROPOSAL FROM RICK BOWES THAT THE COMMITTEE TAKE ON A DIFFERENT FUNCTION, ONE OF A GOOD HOUSEKEEPING SEAL OF APPROVAL FUNCTION?

>>: I THINK IT'S AN ADDITIONAL FUNCTION AND NOT NECESSARILY BY THE SAME FOLKS THAT ARE SETTING THE STANDARDS. I MEAN, IT COULD BE OR NOT BE.

>>: YEAH, I THINK WE STRUGGLED WITH THAT, BECAUSE THE POINTS ABOUT THE TIME IT TAKES TO REVISE 508 AND THE AMOUNT OF VOICE THAT WE'D ALL HAVE WITH RESPECT TO BOOK INDUSTRY EDUCATIONAL PRODUCTS, THOSE ARE REAL ISSUES. BUT SO ARE THE ISSUES OF CONTINUITY. SO I THINK, YOU KNOW, THAT WOULD NEED TO BE ADDRESSED BUT, YES, IT'S CERTAINLY POSSIBLE THAT THIS CERTIFICATION IDEA COULD INVOLVE SOMETHING INDEPENDENT OF 508 OR BUILT ON TOP OF IT. BUT I DON'T THINK WE REALLY RESOLVED THAT QUESTION.

>>: YES, BETSY?

>>: HI, THIS IS ACTUALLY MORE OF A COMMENT AND NOT A QUESTION, BUT -- AND I APOLOGIZE IN ADVANCE FOR HAVING BEEN A BROKEN RECORD ON THIS TOPIC IN THE PAST, BUT IN REFERENCE TO THE 1997OCR COMPLAINT LETTER TO THE CALIFORNIA STATE UNIVERSITY, I JUST WANTED TO REITERATE THE POSITION THAT OCR COMPLAINT LETTERS ARE NOT STATEMENTS OF OCR POLICIES AND THEY ARE LIMITED THE TO THE SPECIFIC FACTS OF THE CASE THEY'RE IN REFERENCE TO. SO THEY'RE AN APPLICATION OF WHAT OCR POLICY WAS IN 1997 WHICH, OF COURSE,

21

HAS EVOLVED OVER THE YEARS BUT THAT SHOULDN'T BE TAKEN AS A STATEMENT OF POLICY FROM THEIR DEPARTMENT.

>>: BRUCE?

>>: THIS DISCUSSION, WHICH SOME OF YOU ARE AWARE OF, IS LONG-RUNNING. WE'RE LOOKING AT TIME FRAMES THAT CAN BE EXTREMELY LONG. WHEN YOU GET INTO DOJ OR YOU GET INTO 508, OR YOU TRY TO CREATE --

>>: YOU'VE GOTTEN MINUTES.

>>: BRUCE IS GOING TO DISAPPEAR IN TEN MINUTES.

>>: BEAM ME UP.

>>: DING-DONG.

>>: YEAH, DING-DONG.

>>: WHAT WE'RE TRYING TO FIGURE OUT IS WHAT CAN WE DO TO MOVE MORE QUICKLY, AND I THINK THAT -- WHEN YOU START GETTING INTO -- RIGHT NOW THERE'S NO STOMACH FOR A CREATION OF A NEW AGENCY, BUDGETS ARE NOT THERE. IF WE AS A COMMISSION PUSH TOO FAR AND TOO HARD, WE RISK BEING -- GOING INTO THE ROUND FILE. SO WHAT CAN EITHER WITHIN OR WITHOUT THE COMMISSION, WHAT COULD WE PURSUE THAT WOULD ACHIEVE OUR MUTUAL GOALS AND DO IT MORE QUICKLY. WHAT WOULD THE STRUCTURE -- WHO COULD YOU BRING INTO THE STRUCTURE? WOULD IT BE A GOVERNMENT STRUCTURE, A NONGOVERNMENT STRUCTURE

May 4, 2011 Transcript of Meeting

IN HOW WOULD IT -- WHAT LIABILITIES WOULD BE CREATED, FOR WHOM, HOW? ONE OF THE KEY POINTS THAT WE WERE DISCUSSING THAT'S BEEN BROUGHT UP HERE TWICE BUT DIDN'T GET EXTENUATED WAS, OKAY, YOU DO PUT THE GOOD HOUSEKEEPING SEAL OF APPROVAL ON A PRODUCT -- NOT REALLY GOOD HOUSEKEEPING IS A PRIVATE ENTITY, ISN'T IT? SO THEN YOU'VE GOT SOME -- THE SCHOOLS WOULD HAVE SOME ASSURANCE THAT THEY WERE GETTING THE BEST OR PROPER PRODUCT. THAT DOESN'T TAKE A WHOLE LOT OF GOVERNMENT EFFORT AND IT DOESN'T TAKE A HUGE BUREAU ROCK ACCURACY AND IT DOESN'T REQUIRE CONGRESS TO GET INVOLVED AND YOU GET YOUR END GOAL. I DON'T KNOW HOW WE WOULD STRUCTURE THAT, BUT WE STARTED THE DISCUSSION AND I FULLY INTEND TO FOLLOW IT UP. THAT'S JUST TO LET YOU KNOW. AND THEN THIS SAME ADVOCATES THAT YOU'VE GOT IN THIS ROOM AND THE PEOPLE WHO USE THE PRODUCT WOULD BE IN A POSITION TO -- YOU KNOW, WE WOULD ALL BE LOOKING FOR A STANDARD.

>>: I'M SORRY, BRUCE, IS THERE A QUESTION IN HERE?

>>: NO, NO, I WAS EXPLAINING AS PART OF THIS, WHERE WE WERE GOING?

>>: OKAY. SO YOU'RE MAKING A COMMENT ON --

>>: A COMMENT TO FURTHER WHAT THEY HAD SAID. BUT I'LL BE HAPPY TO ASK YOU A QUESTION, GAIER, IF YOU'D LIKE.

>>: MARK RICCOBONO?

>>: I DO HAVE A QUESTION, AND THIS IS REALLY, I GUESS, PARTLY FOR THE COMMISSION, BUT PARTLY FOR YOU AND -- BECAUSE I THOUGHT YOU MIGHT COME TO IT AT THE END AND I RECOGNIZE -- CAN YOU GUYS HEAR ME?

>>: YEAH. YEAH.

22

>>: SO I RECOGNIZE YOU MAY NOT HAVE AN ANSWER RIGHT NOW. THIS COMMISSION, THOUGH, IS RESPONSIBLE, AND IT'S RIGHT IN THE NAME OF THE COMMISSION, OUR INTEREST IS IMPROVING THE SITUATION FOR STUDENTS, AND I THINK THIS MORNING'S DISCUSSION MAKES IT CLEAR THAT RIGHT NOW THE ASSURANCES FOR STUDENTS ARE PRETTY DARN WEAK, AND I CAN UNDERSTAND WHY THE PUBLISHING COMMUNITY IS NERVOUS ABOUT TAKING ON MORE OR ALL OR A GREAT PORTION OF THE LIABILITY. SO THE QUESTION BECOMES WHAT CAN WE PROPOSE THAT IMPROVES THE OPPORTUNITIES AND THE ASSURANCES FOR STUDENTS? AND I THINK THAT IS SOMETHING THAT HAS TO COME OUT OF THIS COMMISSION. IF WE DON'T IMPROVE THE COVER THAT STUDENTS HAVE, THEN HAVE WE IMPROVED ANYTHING AT ALL? BECAUSE. BECAUSE CHRIS TOTH IS ONE INDIVIDUAL AND THERE ARE MANY MORE OUT THERE. SOME OF THEM ARE BEING DENIED AN EDUCATION AND THEY DON'T HAVE THE COVER. I'M NOT SAYING IT'S THE PUBLISHER'S FAULT BUT I'D LIKE TO KNOW HOW DO WE IMPROVE COVER FOR STUDENTS SO THAT THE STUDENTS HAVE SOME ASSURANCE TODAY THAT THEY CAN GET ACCESSIBILITY OR AT LEAST THEY'LL BE ABLE TO GET AN EDUCATION DOWN THE ROAD BECAUSE THE STUFF ISN'T ACCESSIBLE TODAY. SO I DON'T KNOW IF YOU ALL HAVE ANY THOUGHTS ABOUT THAT, IF IT'S NOT A PRIVATE RIGHT OF ACTION, I'M WONDERING WHAT CAN WE PUT IN HERE TO IMPROVE THE SITUATION FOR STUDENTS?

>>: THERE WERE SOME KEY THINGS THAT I HEARD YESTERDAY AND TODAY'S DISCUSSION. ONE IS DEFINING ACCESSIBILITY. WHAT IS AN ACCESSIBLE PRODUCT?

May 4, 2011 Transcript of Meeting

BECAUSE I'VE HEARD DISAGREEMENTS ABOUT WHAT'S ACCESSIBLE AND WHAT'S NOT OVER TIME. SO IF THAT CAN BE COOPERATIVELY AGREED UPON, I THINK THAT'S A MAJOR STEP FORWARD. SECOND IS I THINK THE I THINK IT'S A DISGRACE THAT THE CAMPUS WOULD BE SOLD SOMETHING AND IT DOESN'T LIVE UP TO THAT. MAKE IT EASY FOR THE CAMPUS, OKAY, I KNOW THAT THIS PRODUCT STANDS A GOOD CHANCE FOR MEETING REQUIREMENTS. AS FAR AS CAMPUSES NOT FULFILLING WHAT WAS ENVISIONED BY ADA AND 504, THAT'S ONE WHERE, YOU KNOW, I'M NOT COMFORTABLE WITH THE IDEA OF TRANSFERRING LIABILITY TO PUBLISHERS BECAUSE OF THAT. IT DOESN'T SEEM JUST TO ME AND IT ALSO CARRIES PROBLEMS WITH IT. I KNOW WHEN YOU SUDDENLY GET INTO THAT KIND OF A CONTEST, YOU GO INTO SEIZE MODE AND ALL OF A SUDDEN INNOVATIONS AND SOLUTIONS BECOME SECONDARY TO JUST PROTECTING THE ORGANIZATION OR THE COMPANY AGAINST LIABILITY. SO, I DON'T KNOW, ARE THERE WORK-AROUNDS FOR -- NO, I WOULDN'T WANT TO SUE MY COLLEGE, I WOULDN'T WANT TO SUE MY EMPLOYER. ARE THERE WAYS TO DEAL WITH THAT ISSUE? IS THERE A WAY THAT ANOTHER PARTY CAN HAVE STANDING TO NOTE THE FACT THAT A CAMPUS DOESN'T HAVE A POLICY OR ISN'T IMPLEMENTING A POLICY WITHOUT THE STUDENT BEING NAMED OR IMPLICATED? YOU KNOW, I DON'T KNOW, BUT I THINK THOSE WOULD BE THINGS WORTH EXPLORING. I THINK THAT

23

WOULD BE A LESS DRASTIC, IF YOU WILL, WAY TO ADDRESS THOSE PROBLEMS. >>: CAN I COMMENT ON THAT? I THINK THE -- THERE -- THE ISSUE OF STANDING IS SOMETHING THAT I ENCOUNTER A LOT WHEN I SUE IN THE NAME OF THE NATIONAL FEDERATION OF THE BLIND BECAUSE ARTICLE 3 OF THE CONSTITUTION REQUIRES COURTS TO CITE CASES IN CONTROVERSY AND THERE'S A WHOLE BODY OF CASE LAW ABOUT WHEN YOU HAVE A SUFFICIENT STAKE TO BE ABLE TO SUE, AND THIS SUPREME COURT HAS ESSENTIALLY SAID IF THE HOUSE COLLAPSES BUT YOU'RE OUTSIDE OF THE YARD, YOU DON'T HAVE STANDING TO SUE. I MEAN, THE RESTRICTIONS ARE GETTING WORSE AND WORSE AND WORSE. I THINK IT WOULD BE VERY HARD TO GET A CONSTITUTIONAL STATUTE. I LOVE IT BUT IT WOULD BE HARD TO GET A CONSTITUTIONAL STATUTE TO ALLOW THE DISABILITY GROUPS TO SUE FOR THE STUDENTS. I WANT TO BE VERY CLEAR, THOUGH, TWICE ED USED THE WORD TRANSFER BY ABILITY, WHICH MEANS YOU TAKE IT AWAY FROM ONE PERSON AND YOU GIVE IT TO ANOTHER AND I DON'T THINK THAT'S WHAT WE'VE BEEN PROPOSING AND I WOULDN'T SUPPORT THAT, BY THE WAY. I THINK WHAT WE'RE TRYING TO TALK ABOUT IS AN APPORTIONMENT OF LIABILITY. WHERE THE PUBLISHERS ARE RESPONSIBLE FOR THE CONTENT, THE SOFTWARE DEVELOPERS ARE RESPONSIBLE FOR THE TECHNOLOGY, AND THE UNIVERSITIES ARE RESPONSIBLE FOR THE PROCUREMENT. AND I'M VERY SYMPATHETIC TO THE NOTION THAT YOU DON'T VOLUNTEER TO TAKE THE BULLET -- STAND IN FRONT AND TAKE THE BULLET. I DO THINK THAT THE NOTION OF SOME KIND OF QUALITY CONTROL CERTIFICATION SHOULD TAKE A LOT OF THE FEAR OUT OF IT, BECAUSE IT TAKES US AWAY FROM THE SUIT THAT HAS NO BASIS, AND, THEREFORE, REALLY LIMITS THE SITUATIONS IN WHICH AN ENTITY WOULD HAVE TO BE HELD ACCOUNTABLE, AND I THINK THAT THAT MAY BE A COST OF DOING BUSINESS. IF YOU WANT eBooks TO THE UNIVERSITY, MAYBE THE COST -- ONE OF THE COSTS OF DOING BUSINESS, WE'VE GOT TO SKIP THE WAREHOUSING COSTS, YOU'VE GOT TO SKIP THE RETURN COST, YOU'VE GOT TO SKIP THE WAREHOUSING COSTS, BUT MAYBE ONE OF THE COSTS IS YOU HAVE TO BE HELD ACCOUNTABLE WHEN YOU DON'T DO IT RIGHT, AS LONG AS THE LINES ARE BRIGHT AND CLEAR AND YOU KNOW GOING IN WHAT ACCESSIBILITY MEANS AND WHETHER YOU'RE MEETING THAT STANDARD OR NOT.

>>: COMMISSION MEMBERS, OTHER QUESTIONS FOR THE PANEL?

>>: I WOULD LIKE TO TAKE BRUCE'S COMMENT AND OPPOSE IT AS A QUESTION, DO YOU SEE THAT AS A VIABLE SOLUTION, COMING TOGETHER OUTSIDE THE GOVERNMENT GROUP, FORMING A COMMISSION TO ADDRESS THE -- THE BRIGHT, CLEAR LINES THEN? A. I THINK IT'S A REALLY, REALLY INTERESTING SUGGESTION. AND, BY THE WAY, WHAT I THINK I UNDERSTOOD FROM BRUCE AND RICK BOWES LAST NIGHT WAS PUTTING THE ENTIRE SYSTEM OUTSIDE THE GOVERNMENT. THAT IS TO SAY THE PUBLISHING COMMITTEE OF THE DISABILITY COMMUNITY AND MAYBE THE UNIVERSITY PRESIDENTS WOULD COME TOGETHER, FORM A COMMITTEE, SET STANDARDS, AND SOMEHOW FUND A QUALITY CONTROL ENTITY. I THINK IT'S A REALLY INTERESTING PROPOSAL. I WANT TO THINK MORE ABOUT HOW WORKABLE IT IS AND, IN ANY EVENT, THE, IT'S ABOVE MY PAY GRADE TO EITHER SUPPORT IT OR REJECT IT,

24

BUT I -- IT'S REALLY A DECISION, BUT I THINK IT'S AN INTERESTING IDEA AND IT'S WORTH TALKING ABOUT.

>>: BRUCE?

>>: BRUCE HILDEBRAND. I'M STILL TRYING TO FIGURE OUT -- OKAY, YOU'RE VERY ADAMANTLY OPPOSED TO A 508 BECAUSE IT'S NOT BEEN EFFECTIVE, BUT IT ESTABLISHES SOME STANDARDS SO THAT IF YOU DO WANT TO ADHERE OR YOU CHOOSE TO FOLLOW IT, WHICH HAS BEEN THE CASE AND IS THE -- BASICALLY ENFORCED WITHIN THE NIMAC CIRCUMSTANCE, WHAT THE PUBLISHERS WORK TOWARD, HOW -- BECAUSE IT'S LIKE SAYING BECAUSE SOME PEOPLE FAILED TO FOLLOW THE DRIVING LAWS OR THE SPEED LIMITS, THAT THEN WE SHOULD NOT FOLLOW THE SPEED LIMIT. WE'RE SORT OF SAYING WE WANT TO FOLLOW THE SPEED LIMIT, SO FROM THAT PERSPECTIVE, HOW WOULD WE USE 508 CORRECTIVELY, IN YOUR MIND, DAN, SO THAT THAT IS -- THAT IS A BENCHMARK FOR OUR PEOPLE AND THEY'RE TRYING TO MEET IT IN THE INTENT OF THE LAW. WHY IS THAT SO BAD?

>>: I THINK THERE ARE TWO VERY DISTINCT AND SEPARATE ISSUES ABOUT 508 THAT ARE VERY EASY TO MERGE AND CONFUSE. ONE IS THIS QUESTION OF HOW ENFORCEABLE ARE THE STANDARDS IN AND 508 CASTS LIGHT ON THAT DEBATE, BECAUSE 508 IS NOT ENFORCEABLE AND 508 HAS PROVED TO BE A TOTAL FAILURE IN TERMS OF THE GOVERNMENT OF MAKING ITS WEB SITES ACCESSIBLE, MAYBE THE TECHNOLOGY ACCESSIBLE. PROHIBITION LOOKS LIKE A RAVING SUCCESS COMPARED TO 508. SO 508 PROVIDES AN INTERESTING LESSON WITH RESPECT TO WHAT IS AN EFFECTIVE SOLUTION YOU CAN PROPOSE AND WHAT'S NOT. THE OTHER ASPECT OF 508, THOUGH, IS IS IT A SET OF STANDARDS THAT WOULD MAKE SENSE TO FOLLOW AS OPPOSED TO DRAFTING YOUR OWN SET OF STANDARDS? AND I THINK THAT'S A MUCH TOUGHER CALL. THE DRAW BACK, I THINK, IS THAT -- YOU KNOW, THE 508 REFRESH IS GOING TO COME OUT AND I DON'T THINK THERE'S GOING TO BE ANY GRANDFATHERING IN THERE AND YOU ALL ARE GOING TO BE SAYING, WELL, WAIT A MINUTE, ALL OF OUR INTERACTIVE STUFF AND THESE eBooks DOESN'T MEET THE NEW 508, AND THERE'S NO SAFE HARBOR TIME, AND, WOW, WHAT THEY'RE CALLING FOR ON THINGS LIKE EMBEDDED VIDEOS, WE'VE GOT AN AWFUL LOT TO DEAL WITH THERE. AND SO, YOU KNOW, I SEE THIS AS A CHOICE BETWEEN OFF THE RACK AND CUSTOM FIT, BUT I DON'T -- WHICH I DON'T REJECT THE NOTION THAT THAT COULD BE -- COULD MAKE SENSE, AND I JUST THINK THERE'S AN AWFULLY WORTHY ALTERNATIVE TO THINK ABOUT.

>>: JIM FRUCHTERMAN?

May 4, 2011 Transcript of Meeting

>>: SINCE I'M MOST INTERESTED IN THE TECHNICAL STANDARDS, I JUST WOULD SAY THAT IT'S INCUMBENT ON US AS A COMMISSION TO GO AS FAR AS WE CAN IN OUR REPORT KNOWING THAT AT THE BEST IT WOULD BE A COUPLE YEARS BEFORE ANYTHING LIKE THIS MIGHT GET SET UP AS OPPOSED TO FIVE YEARS, AND I THINK WE SHOULD, AT LEAST IN THE SHORT TERM, LOOK TO THE EXISTING STANDARDS, PLUS THE THINGS, FOR EXAMPLE, IN MARK'S PROPOSAL AROUND IMAGE ACCESSIBILITY, THINGS THAT ARE SPECIFIC TO TEXTBOOKS THAT DON'T ACTUALLY SHOW UP AS MANDATES IN 508 AND OTHER STANDARDS. THAT'S JUST MY TIDBIT IS THAT WE NEED TO PUSH AS FAR FORWARD AS WE CAN AS A COMMISSION AS WE RECOMMEND LONGER TERM SOLUTIONS.

>>: AND, JIM, IF I CAN JUST EXPRESS AGREEMENT WITH ONE OF THE THINGS -- PROBLEMS WITH 508 IS IT MAY NOT ADDRESS EVERY ISSUE CONCERNING TEXTBOOK

25

ACCESSIBILITY. BUT SOMETHING THAT IS --

>>: YEAH, I GOTCHA.

>>: -- CUSTOM FIT, YEAH.

>>: YEAH.

>>: OTHER QUESTIONS FROM THE COMMISSION? (NO RESPONSE.)

>>: I'D LIKE TO RAISE ONE. I KNOW FROM TALKING TO SOME OF YOU PEOPLE WHO ORIGINALLY PUT SECTION 508 TOGETHER THAT ONE OF THEIR CONCERNS AT THE TIME ABOUT DOING ANY SORT OF CERTIFICATION WAS THAT IT WAS SORT OF THROW DOWN A LINE AND SAY, OKAY, THIS PRODUCT IS SAFE, BUT THEN AN EMERGING NEW PRODUCT THAT MIGHT ACTUALLY SERVE THE FUNCTION BETTER THAT -- BUT MAY NOT BE -- MAY NOT YET HAVE THE CERTIFICATION WOULD BE IGNORED IN FAVOR OF THE ONE THAT ALREADY HAD THE CERTIFICATION. DO YOU SEE ANY CONCERN FOR THAT?

>>: WELL, I THINK THAT'S GOING TO BE A CONCERN ACTUALLY NOT IN TERMS OF THE QUALITY CONTROL BUT IN TERMS OF THE STANDARD SETTING TO BEGIN WITH, AND LO AND BEHOLD, WHAT THE FIRST VERSION OF 508 DID WAS CREATE A STRAIGHT JACKET THAT DIDN'T REALLY TAKE INTO ACCOUNT EMERGING TECHNOLOGIES AND THE 508 REFRESH IF IT HOLDS TO ITS PROMISE WILL BE MORE OF A PERFORMANCE BASED STANDARD THAT WILL DEFINE THE GOAL LINE AS OPPOSED TO HOW YOU GET DOWN THE FIELD. AND THAT'S SOMETHING I THINK WE LEARN FROM AS -- AS WE GO ALONG. THE -- THE -- IDEALLY A SET OF STANDARDS -- WHAT OF THE THINGS I LIKE ABOUT THE DOJ DEPARTMENT OF ED LETTERS IS IT DEFINES THE GOAL LINE. CAN YOU GET AT ALL OF THE -- DO ALL OF THE SAME TRANSACTIONS AND ALL OF THE SAME SERVICES? AND SO IT MAY BE THAT ONE OF THE THINGS THAT CAN HAPPEN TO AVOID THE RISK THAT YOU'RE TALKING ABOUT IS THAT THE -- THE STANDARD MIGHT SAY, FOR EXAMPLE, WITH RESPECT TO INTERACTIVE ASPECTS OF AN EBOOK THAT SOMEONE IS ABLE WITHOUT THE USE OF SIGHT TO USE THE INTERACTIVE FEATURES BUT IT MAY NOT SAY, THEREFORE, YOU CAN'T USE FLASH OR YOU MUST USE FLASH OR YOU CAN'T USE HTML5.0, WOULD DEFINE THE GOAL LINE RATHER THAN NECESSARILY THE TECHNICAL SPECIFICATIONS.

May 4, 2011 Transcript of Meeting

>>: I GUESS MY QUESTION WAS ACTUALLY ABOUT -- I'M SORT OF CONCERNED THAT IF YOU PROVIDE A SAFE HARBOR WITH THIS CERTIFICATION PROCESS THAT NO ONE'S GOING TO BE WILLING TO GO OUT IN THE ROUGH SEAS. THAT'S REALLY THE QUESTION. SO YOU'VE GOT SOME MAIN STREAM BIG COMPANY, THEY PAID TO GET IT CERTIFIED BUT NOW YOU'VE GOT SOME LITTLE STARTUP. THEIRS IS ALSO ACCESSIBLE BUT THEY HAVEN'T PAID TO HAVE IT CERTIFIED.

>>: YEAH, ACTUALLY, I THINK THAT PAYMENT FOR CERTIFICATION, THAT COULD BECOME PROBLEMATIC IF THEY FELT THEY WERE JUST CREATE A COTTAGE INDUSTRY FOR ACCESSIBILITY CONSULTANTS THAT THEY WOULD HAVE TO PAY AS ANOTHER LAYER OF COST. YOU KNOW, IT MIGHT BE IDEAL LIST STICK TO THINK OF IT THIS WAY, BUT I THINK WE WERE ALL KIND OF TALKING ABOUT WHAT WOULD EXTERNAL SOURCES OF FUNDING BE, ASSOCIATION OR OTHERWISE. WE WOULD JUST SCRATCH THE SURFACE OF IT. BUT, YEAH, I DON'T THINK YOU WOULD -- YOU WOULDN'T WANT TO KEEP SMALLER CONTENT PROVIDERS OUT ON THE BASIS OF SOME COST THAT

26

THEY COULDN'T ABSORB.

>>: THAT'S MY CONCERN IS THAT I DON'T WANT TO SEE EMERGING TECHNOLOGIES LIMITED BY CAMPUSES SAYING WELL WE DON'T WANT TO BUY THIS THING, THEY SAY IT'S ACCESSIBLE BUT IT DOESN'T HAVE THE CERTIFICATION, SO WE'RE GOING TO GO WITH THE THING THAT'S SAFE. WE THIS MAY BE SOMETHING THAT WE ACTUALLY WANT TO LOOK AT GIVING AT ONE OF OUR TASK FORCES TO EXPLORE IN GREATER DETAIL AND THAT'S SOMETHING THAT WE CAN TALK ABOUT. I THINK IT'S A VERY INTERESTING IDEA. I'VE GOT SOME THOUGHTS ABOUT ISSUES THAT MIGHT PREVENT IT FROM WORKING REALLY WELL. I KNOW LIKE WITH UNDERWRITERS LABORATORY, THAT IS A VOLUNTARY CERTIFICATION THAT'S DONE BY THAT INDUSTRY TO SAY, YES, OUR ELECTRONICS ARE SAFE. BUT I ALSO KNOW THAT THERE ISN'T THE PERCEPTION ON THE PART OF CONSUMERS OF WHAT THAT MEANS ANY LONGER, THAT THEY'RE SORT OF GOING AWAY. SO THERE ARE SOME -- THERE ARE SOME ISSUES HERE WITH THE WHOLE CERTIFICATION IDEA, BUT I THINK IT IS -- IT'S A FRESH, NEW IDEA. I LIKE IT. ANY OTHER COMMENTS OR QUESTIONS FROM THE COMMISSION? (NO RESPONSE).

>>: OKAY. WE ARE AT 10:15. THANK YOU TO BOTH OF OUR PRESENTERS. I'M GOING TO ASK THE COMMISSION TO PLEASE RESUME AT 10:30. (RECESS TAKEN.)

>>: I'D LIKE TO ASK EVERYONE TO TAKE THEIR SEATS, PLEASE. I'D LIKE TO ASK EVERYONE TO TAKE THEIR SEATS, PLEASE, SO THAT OUR MEETING MAY RESUME. THANK YOU. I'D JUST LIKE TO SUMMARIZE SOME OF THE THINGS THAT CAME UP WITH -- THAT WERE RAISED IN THIS LAST DISCUSSION, THAT WE ARE -- NOW THAT WE HAVE MARK'S LETTER AND THANK YOU, AGAIN, MARK, FOR YOUR RECOMMENDATIONS, AND NOW THAT WE'VE HEARD FROM THE PUBLISHERS AND SOME OF THE LEGAL PERSPECTIVE, IT'S PRETTY CLEAR THAT WE HAVE A BROAD BASE OF SUPPORT FOR A NUMBER OF ITEMS, AND SO AT THIS POINT, WE WOULD LIKE TO DIVVY THOSE OUT SO THAT THEY GO INTO THE TASK FORCES FOR FURTHER WORK. AND I'M REFERRING TO -- TO MARK'S DOCUMENT WHICH PROBABLY MANY OF YOU DO NOT HAVE IN FRONT OF YOU, BUT IT IS IN DROPBOX, SO YOU DO HAVE THAT. AND LETTER B UNDER NUMBER 1 CLEARLY AND BROADLY DEFINE INSTRUCTIONAL MATERIALS, THAT'S GOING TO GO TO YOU, TUCK, TO THE TASK FORCE 1, WORKING ON DEFINITIONS FOR THAT. LET'S SEE, C WAS JUST AN AGREEMENT. I THINK C IS FINE AS IT IS. THE ACCESSIBILITY, DEFINE A DEFINITION OF WHAT WOULD

## May 4, 2011 Transcript of Meeting

CONSTITUTE ACCESSIBILITY AND THAT WOULD INCLUDE LOOKING AT THE STANDARDS. THAT'LL BE TECHNICAL. JIM. YOUR TASK FORCE.

27

>>: ALL RIGHT. SO THAT'S 1D.

>>: YEAH, THAT'S 1 D. AND, ALSO, JIM, WE'D LIKE TECHNICAL, POSSIBLY LATER IN CONSULTATION WITH SOME OF THE OTHER TASK FORCES TO LOOK AT THE COMMITTEE IDEA OF SETTING OF THE STANDARDS COMMITTEE. I THINK THAT'S PROBABLY MOST APPLICABLE THERE, AS WELL AS THE POSSIBILITY OF CERTIFICATIONS SINCE, AGAIN, THAT'S MORE OF A TECHNOLOGICAL ISSUE. I WOULD LIKE TO DIRECT DAVE AND SKIP WITH CAST TO FIND FOR US SOME EXAMPLES OF WHAT THE SORTS OF STANDARD SETTING BODIES LOOK LIKE. I KNOW THAT SOME OF THE INDUSTRY GROUPS, THERE'S STANDARDS, THERE'S THE ISO STANDARDS, I KNOW THAT THERE'S DIFFERENT SORTS OF STANDARD SETTING BODIES, WE'D LIKE SOME MORE INFORMATION ON THAT, SOME MODELS WHAT THAT MIGHT LOOK LIKE.

>>: GAIER, I THINK PARTICULARLY LOOKING AT THOSE THAT ARE UNDER GOVERNMENT AUSPICES AND THOSE THAT MIGHT BE UNDER PRIVATE INDUSTRY AUSPICES.

>>: YEAH, WE'D LIKE A COMPARISON OF THAT, AND IF POSSIBLE, TO SEE IF YOU CAN GIVE US SOME EXAMPLES OF ONES THAT ARE CURRENTLY THERE SO WE UNDERSTAND WHICH ONES TAKE TWO YEARS, WHICH ONES WOULD TAKE FIVE YEARS, IF WE COULD HAVE SOME DATA AROUND THAT; THAT WOULD BE HELPFUL.

>>: THE 508 ISSUE.

>>: YEAH, THAT'LL BE PART OF THE LOOKING AT STANDARDS THAT THE GROUP OF TECHNOLOGY WILL TAKE A LOOK AT.

>>: OKAY.

>>: JUST TO LET EVERYONE KNOW, A COUPLE OF CHANGES TO THE SCHEDULE, WE ARE MOVING INTO TALKING ABOUT VOLUNTARY LICENSING HERE IN A COUPLE OF MINUTES. WE ORIGINALLY, UNDER THAT SAME TIME FRAME, HAD A RECOMMENDATION TO LOOK AT MATH AND STEM MATERIALS. WE'RE TAKING THAT OFF OF THE AGENDA AT THIS POINT. AND WE WILL -- WE WILL LOOK AT THAT AGAIN AT A LATER DATE. WE ARE GOING TO END THE NEXT DISCUSSION SECTION AT 11:30, SO THAT PEOPLE HAVE TIME TO GO AND GET THEIR LUNCHESES AND ALSO SOME PEOPLE HAVE TO CHECK OUT OF THE HOTEL DURING THAT TIME. SO IF YOU CAN GET YOUR LUNCH, CHECK OUT, DO ALL OF THAT BETWEEN 11:30 AND 12:00, THEN BE BACK IN HERE RIGHT AT 12:00 SO THAT WE CAN HAVE THE PRESENTATION FROM RICK JOHNSON OF VITALSOURCE AND THEN WE'LL BE STARTING AT THE END OF THAT PRESENTATION PROMPTLY AT 12:30. WE HAVE A VERY TIGHT SCHEDULE THERE FOR SOME OF THE PRESENTERS AT 12:30 AND SO WE NEED TO START THAT ONE RIGHT ON TIME. AND NOW I'M GOING TO ASK MY ADVICE CHAIR, JIM WENDORF, TO LEAD THE DISCUSSION ON THE VOLUNTARY LICENSING.

>>: OKAY. THANK YOU, GAIER, AND WE'RE DOING THIS BECAUSE AS A COMMISSION, WE WANT TO MAKE SURE THAT WE PULL FORWARD THE DISCUSSIONS THAT WE'VE HAD PREVIOUSLY, AND WE HAD A VERY LIVELY PRESENTATION AND DISCUSSION IN JACKSONVILLE BY TRACY ARMSTRONG AND THE COMMISSION FROM THE

May 4, 2011 Transcript of Meeting

COPYRIGHT CLEARANCE CENTER. AND SINCE THAT MEETING, MARIA PALLANTE WHO COULD NOT BE WITH US, BUT SHE AND CHRIS HAVE WORKED ON SOME POINTS ABOUT WHAT VOLUNTARY LICENSING MIGHT LOOK LIKE, SOME OPTIONS, AND CHRIS, YOU'RE GOING TO LEAD THE WAY HERE AND THROW SOME THINGS OUT FOR DISCUSSION, SO PLEASE.

>>: THANKS, JIM. AND I'LL JUST EXPRESS AGAIN MARIA'S REGRETS, SHE ASKED

28

ME TO CONVEY THOSE TO THE COMMISSION. BUT THANK YOU, JIM, FOR THAT SETUP. I THINK THAT'S EXACTLY WHAT I'D LIKE TO DO IS FOLLOW UP ON THE DISCUSSION WE HAD LAST TIME IN JACKSONVILLE ABOUT LICENSING AND TRACY ARMSTRONG, THE COPYRIGHT CLEARANCE CENTER THAT DOES THAT TYPE OF LICENSING ALREADY BUT NOT IN AN ACCESSIBLE CONTEXT OR FOR THE PURPOSE OF ACCESSIBILITY, BUT THE CCC PROVIDES A USEFUL EXAMPLE OF HOW VOLUNTARY COLLECTIVE LICENSING ALREADY WORKS IN THE COPYRIGHT SPACE. THEY ARE ENGAGED IN THIS SORT OF LICENSING ON BOTH AN INDIVIDUAL TRANSACTION BASIS, AS WELL AS A BLANKET BASIS AND THEY DO THIS EVERY DAY. AND SO ONE OF THE THINGS THAT AS I UNDERSTAND IT, THE COMMISSION IS CHARGED WITH SETTING UP SOME PROPOSED TITLE PROJECTS THAT SHOW HOW A MARKET MODEL MIGHT WORK AND THAT'S SOMETHING THAT I WANTED TO THROW OUT. WE DID SOME VERY HIGH LEVEL THINKING ABOUT WHAT SUCH A PILOT PROGRAM MIGHT LOOK LIKE AND SEEMS LIKE ONE WAY TO GO WOULD BE HAVE THE DEPARTMENT OF EDUCATION FUND SOME SORT OF PROOF OF CONCEPT PILOT INVOLVING A SMALL NUMBER OF UNIVERSITIES TO SORT OF DEMONSTRATE HOW THIS LICENSING MODEL WOULD WORK IN AN ACCESSIBLE CONTEXT. IT WOULD HELP IDENTIFY THE STRENGTHS AND WEAKNESSES OF THAT MODEL, WHICH WE KNOW ALREADY WORKS IN WHAT I'LL CALL THE MAIN STREAM MARKET. THIS WOULD BE DESIGNED TO FACILITATE THE DISSEMINATION OF ACCESSIBLE CONTENT. WE'RE ALREADY HEARING SOME OF THIS IS GOING ON THROUGH ORGANIZATIONS LIKE ACCESS TEXT AND THINGS LIKE THAT. WE'VE ALSO HEARD THAT THERE ARE SOME CHALLENGES WITH PEOPLE TRYING TO GET LICENSES THAT DON'T HAVE THE CONTACTS, THERE'S BEEN SOME ACCUSATIONS THAT PERMISSION IS OFTEN DENIED. DOING THIS SORT OF THING THROUGH AN ORGANIZATION THAT ALREADY HAS LICENSING ARRANGEMENTS IN PLACE WE THINK IS PROBABLY A USEFUL WAY TO START SO THAT IT'S REALLY JUST AN EXTENSION OF WHAT THEY'RE ALREADY DOING IN THAT SENSE. SO WE SORT OF ENVISION THAT CCC OR SOMEONE EQUIVALENT SERVING AS THE LICENSING AGENT LEVERAGING THEIR LICENSING RELATIONSHIPS, BOTH CCC AND THE DEPARTMENT OF ED WOULD HAVE TO WORK WITH EXISTING INTERMEDIARIES TO ENSURE THAT DRM AND OTHER MARKETPLACE STANDARDS ARE FOLLOWED, BUT, AGAIN, WITH AN EYE TOWARD ACCESSIBLE MATERIALS, SO ONE COMMENT ON DRM THAT COMES UP A LOT IS BEING AN IMPEDIMENT AND I DON'T THINK IT HAS TO BE. DRM IS JUST A TOOL THAT PUBLISHERS USE LEGITIMATELY TO CONTROL ACCESS TO THEIR CONTENT. THE ISSUE WITH DRM IS NOT SO MUCH THAT IT LIMITS THE ACCESS, IT'S THE DEVICES AND THE DRM DOESN'T TALK TO EACH OTHER PROPERLY. THAT'S NOT AN INSURMOUNTABLE PROBLEM. I THINK THAT'S SOMETHING THAT CAN BE DEALT WITH THROUGH LICENSING CONTEXTS AND DISCUSSIONS WITH THE APPROPRIATE MARKETPLACE PLAYERS AND THAT WOULD BE PART OF THIS PILOT, TO EVALUATE WHERE THESE ISSUES LIE AND HOW THOSE ISSUES CAN BE RESOLVED SO THE RIGHTS HOLDERS CAN RETAIN A LEGITIMATE RIGHT TO THEIR CONTENT. THEY'RE MAINLY CONCERNED WITH THE DOWNSTREAM MARKET IMPACT ON THE CONTENT. SO IF THE ACCESSIBLE

29

May 4, 2011 Transcript of Meeting

MARKET'S OUT THERE FOR ACCESSIBILITY PURPOSES AND IT GETS IN THE WRONG HANDS IT COULD END UP IN CYBER LOCKERS AND OTHER SOURCES OF PIRACY THAT WE'RE SEEING OUT THERE TODAY. THE MOST IMPORTANT PART IS IF THIS PILOT PROGRAM IS SUCCESSFUL, IT MAY WELL ENCOURAGE OTHER PEOPLE TO GET INTO THAT MARKET AND THAT PUTTING ON MY REFORMING ANTITRUST LAWYERS, PUTTING ON MY MARKET COMPETITION HAT, THAT HOPEFULLY WOULD LEAD TO PRICE COMPETITION IN THE SPACE AND INNOVATION, WHICH ARE THE TWO KEY CHARACTERISTICS. IN SPEAKING WITH SOME FOLKS ON THIS, IT'S CLEAR THAT IN ORDER FOR SUCH A PILOT PROGRAM TO HAVE LEGS IT WOULD NEED A SIGNIFICANT NUMBER OF MAJOR CONTENT PROVIDERS INVOLVED AND THAT'S WHY WE THINK THAT DOING IT THROUGH SOMEONE LIKE THE CCC IS A USEFUL WAY TO START BECAUSE THEY ALREADY HAVE THOSE RELATIONSHIPS AND IN MANY CASES, THE IMPRESSION I GET FROM TRACY'S PRESENTATION IN JACKSONVILLE IS THAT IN MANY CASES IT WOULD MERELY BE AN EXTENSION OF THEIR EXISTING RELATIONSHIPS, WHICH WOULD MAKE THINGS A LITTLE MORE STRAIGHTFORWARD. THE OTHER ISSUE IS TIMING AND HOW LONG THE PILOT WOULD HAVE TO LAST. KIND OF THE GENERAL VIEW IS THAT ABOUT A YEAR IS PROBABLY NECESSARY TO REALLY GET IT -- TO GET TO A PLACE WHERE WE CAN DRAW SOME CONCLUSIONS FROM IT AND A SEE HOW THE MARKET WILL REACT TO IT. AND THEN THE OTHER ISSUE IS IT WOULD BE OPEN THE WAY I ENVISIONED IT IS IT WOULD BE OPEN TO A HANDFUL OF COLLEGES AND UNIVERSITIES, REPRESENTATIVE SAMPLES, SO TWO-YEAR SCHOOLS, FOUR-YEAR SCHOOLS, BUT IT WOULD ALSO HAVE TO HAVE SOME SORT OF MECHANISM FOR PUBLIC INPUT TO SEE SO THAT PEOPLE FROM THE OUTSIDE CAN HAVE A LOOK AT HOW IT'S WORKING AND PUBLIC COMMENT, KIND OF STANDARD PRACTICE IN THESE POLICIES. SO THAT'S REALLY ALL I HAVE. LIKE I SAID, IT'S VERY HIGH LEVEL, JUST SORT OF A GENERAL FRAMEWORK FOR HOW WE SEE SOMETHING GOING. I'M HAPPY TO TAKE QUESTIONS AND HELP COMMISSION MEMBERS FLESH THIS OUT.

>>: GOOD. THANK YOU. LOOKS LIKE BRUCE HAS A QUESTION OR COMMENT.

>>: CHRIS, TO PREFACE IT, MOST OF MY MEMBERS HAVE CREATED AN ENTIRE INSTITUTIONAL DEPARTMENT NOW, A LARGE SEGMENT OF THEIR COMPANIES THAT ARE IN THE BUSINESS OF ESTABLISHING LICENSING RELATIONSHIPS TO OWN DIGITAL PRODUCT. IT IS A RAPIDLY EXPANDING SEGMENT. SO I'M NOT SURE WHAT THE -- THE INDUSTRY PER SE IS ALREADY THERE IN DRIVING THIS AND TRYING TO ACCELERATE IT, WHAT ARE WE GOING TO BE INVESTIGATING? BECAUSE I HEAR EVERY DAY, I MEET WITH OR TALK TO WEEKLY SOMEBODY WHO'S AN INSTITUTIONAL DEPARTMENT DRIVER FOR LICENSING. IT'S THE MODEL NOW.

>>: THE VALUE OF THIS SORT OF MODEL IS THAT THE LICENSES -- IT'S AN OPPORTUNITY FOR COLLECTIVE LICENSING, SO THAT IT A SCHOOL OR UNIVERSITY WOULD BE ABLE TO GO TO ONE ORGANIZATION SUCH AS THE CCC AND OBTAIN LICENSES FOR MULTIPLE RIGHTS HOLDERS AND I SHOULD NOTE THAT THIS IS NOT INTENDED TO SORT OF DISPLACE THE MARKET ACTIVITIES OR THE PUBLISHERS ALREADY SO THE THINGS THAT YOUR MEMBERS ARE DOING CAN CONTINUE. THIS

30

ISN'T SUPPOSED TO SORT OF REPLACE THE WAY YOU LICENSE CONTENT OR ANYTHING LIKE THAT. IT'S A NONEXCLUSIVE APPROACH.

>>: I'VE GOT A BETTER PICTURE THAT CLARIFIES. THANK YOU.

May 4, 2011 Transcript of Meeting

>>: JIM HAS A QUESTION.

>>: YEAH, I THINK IT'S WORTH POINTING OUT THAT UNDER THE STATUTE THAT'S SET UP THE COMMISSION, WE'RE DIRECTED TO MAKE A SET OF RECOMMENDATIONS ABOUT THE KIND OF PILOT PROGRAMS YOU'RE TALKING ABOUT UNDER SECTION 773, AND IT'S 773 IS QUITE SHORT BUT IT BASICALLY SAYS -- PART OF IT IS SUPPOSED TO AWARD MONEY TO SOME PILOT PROGRAMS BUT I DON'T THINK I'VE HEARD THAT THE MONEY'S THERE RIGHT NOW, BUT INSTITUTIONS OF HIGHER ED WITH DEMONSTRATED EXPERTISE IN MEETING THE NEEDS OF STUDENTS WITH DISABILITIES AND OTHER INSTITUTIONS THAT MEET THE NEEDS FOR POST SECONDARY STUDENTS AND ALSO HAVE THE TECHNICAL EXPERTISE TO PROTECT COPYRIGHT INFRINGEMENT. SO IN THE STATUTE, THERE'S ACTUALLY A LIST OF THINGS THAT WE'RE SUPPOSED TO MAKE RECOMMENDATIONS ON AND WE ACTUALLY HAVEN'T PUT THAT VERY HIGH ON OUR WORK LIST, BUT IT'S SOMETHING THAT TO ACTUALLY COMPLETE OUR CHARGE WE'LL HAVE TO DO. SO THAT'S SORT OF MY FRAMING IS WE NEED TO FOLLOW THROUGH ON THE PROPOSAL THAT CHRIS IS MAKING, BECAUSE IT'S PART OF YOUR JOB. THE SECOND PIECE IS DRM IS ACTUALLY A BIGGER ISSUE. IT'S THE CORE ISSUE, I ACTUALLY THINK, ABOUT ACCESSIBILITY IN THE eBook WORLD, OR IN DIGITAL CONTENT. AND WE'VE GOT THESE TWO COMPETING INTEREST, WHICH IS THE PUBLISHERS ARE WORRIED ABOUT GETTING RIPPED OFF AND THE STUDENTS WITH DISABILITIES ARE WORRIED ABOUT NOT HAVING AN EQUAL CRACK, SO WE'RE GOING TO HAVE TO COME UP WITH SOME INTERESTING WAYS OF APPROACHING THIS AND -- BUT MOST OF THE DRM SOLUTIONS THAT WE'VE SEEN SO FAR HAVE CONTINUED TO HAVE THIS PROBLEM OF LOCKING OUT STUDENTS WITH AT LEAST SOME OF THE STUDENTS WITH DISABILITIES, NOT NECESSARILY ALL OF THEM. SO I THINK THAT'S SOMETHING THAT WE'RE GOING TO HAVE TO KEEP WORKING ON AND I THINK THAT'S WHAT VOLUNTARY LICENSING IS TRYING TO DO. ALL RIGHT, THERE'S SOME SOLUTIONS OUT THERE AND IF THE PUBLISHERS MAKE SOME MONEY AND THEY'RE PROTECTED, IS THAT A SOLUTION? AND IT'S NOT JUST THE BIGGEST PUBLISHERS THAT ARE IN SPECIFIC SOLUTIONS THAT ARE MAKING PROGRESS ON THIS, IT'S ALL THE BOOKS THAT STUDENTS NEED AND ALL THE CONTENT THAT THEY NEED AND THAT'S A LOT BIGGER THAN THE TOP EIGHT PUBLISHERS IN THE AAP POST SECONDARY.

>>: THANK YOU. CHRIS, I'M WONDERING, COULD YOU WALK US THROUGH A KIND OF FOR INSTANCE ON HOW THIS WOULD WORK, SORT OF DESCRIBE MAYBE ONE FROM - AS YOU SEE IT FROM THE STUDENT'S PERSPECTIVE, FROM THE PUBLISHER'S PERSPECTIVE, AND THE HIGHER ED PERSPECTIVE.

>>: I THINK THE MODEL WE WERE ENVISIONING AND THIS IS SOMETHING THAT'S SORT OF -- I THINK FIGURING OUT HOW THAT WORKS IS PART OF THE PILOT, TO BE HONEST, AND SORT OF WHERE -- AND A LOT OF IT HAS TO DO WITH THE BACK END TECHNOLOGY, WHAT THE PUBLISHERS ARE ABLE TO SUPPLY. WE HEARD A LOT FROM MARKET PARTICIPANTS THAT THE FILES THEY HAVE ARE NOT NECESSARILY STUDENT READY AND SO THERE'S OFTEN SOME WORK THAT NEEDS TO GO ON BETWEEN WHAT THE PUBLISHER HAS AND WHAT THEY CAN REASONABLY SUPPLY AND WHAT THE

31

STUDENT ACTUALLY NEEDS. WHERE THAT FALLS IN THE CHAIN, I'M HONESTLY NOT SURE. YOU CAN PUT IT IN VARIOUS PLACES. BUT I THINK GENERALLY SPEAKING, THE MODEL WE'RE ENVISIONING IS VERY SIMILAR TO THE ONE THAT TRACY DEMO'D FOR US IN JACKSONVILLE WHERE A STUDENT HAD ACCESS TO A PORTAL WITH CERTAIN -- BASICALLY A CATALOG OF CONTENT. AND THAT COULD BE -- YOU COULD

May 4, 2011 Transcript of Meeting

IMAGINE THAT WOULD BE LINKED INTO THE COURSE MANAGEMENT SOFTWARE OR THE REGISTRATION SYSTEM. VARIOUS SYSTEMS THAT THE CAMPUS IS ALREADY USING. SELECT THE CONTENT, THE CONTENT -- THE CCC ON THE BACK END DOES -- PUTS THE TWO PIECES TOGETHER, LICENSOR AND THE LICENSEE AND ACTUALLY ENGAGES IN THE TRANSACTION AND LOOKS AT THE LICENSE TYPES AND THE LICENSE RIGHTS. AND AS FAR AS WHERE THE FILE COMES FROM IT COULD BE ANY NUMBER OF PLACES. IF YOU HAVE A LICENSE SET UP SO THE CAMPUS HAS AN ARCHIVE OF MOST COMMONLY USED MATERIALS, YOU COULD HAVE IT SET UP SO THE CCC IS DOING THAT FILE DELIVERY, ALTHOUGH I THINK SHE MENTIONED IN JACKSONVILLE THEY DON'T TAKE POSSESSION OF ANY OF THE FILES, SO THAT WOULD BE UNUSUAL FOR THEM, BUT ANOTHER ENTITY PLAYING THIS SORT OF LICENSING ROLE MAY WANT TO DO THAT. I SUSPECT, JUST FROM MY EXPERIENCE IN OTHER CONTENT INDUSTRIES THAT THE PUBLISHERS WOULD RATHER CONTROL THEIR CONTENT AND BE THE ONES TO ACTUALLY SERVE IT UP. THAT'S TRUE IN THE VIDEO INDUSTRY, FOR EXAMPLE, WHERE CABLE COMPANIES GENERALLY WANT TO CONTROL -- CABLE NETWORKS WANT TO CONTROL THE CONTENT AS MUCH AS THEY CAN. IT WOULD NOT SURPRISE ME IF THE PUBLISHERS HAVE A SIMILAR VIEW AND PERHAPS BRUCE CAN CHIME IN ON THAT. I THINK THE CURRENT MODEL IS LIKE ACCESS TEXT, I THINK THAT'S HOW IT WORKS. IS THAT RIGHT?

>>: WE'RE NOT TALKING ABOUT COPYRIGHT PER SE WITH ATM SO MUCH AS THE INDIVIDUAL INSTITUTION SIGNS AN AGREEMENT, WHICH FOLLOWS BASICALLY, AND WHAT THEY DID WAS BY -- INSTEAD OF A DSS OFFICE HAVING TO GO TO 20 PUBLISHERS OR 50 PUBLISHERS, AND EVERY TIME HAVING TO NEGOTIATE AN AGREEMENT AND SIGN AN AGREEMENT BEFORE THEY CAN GET ACCESS TO THE FILE OR PERMISSION TO SCAN, THAT THEY'RE UNIFORM AGREEMENTS, AND IT'S -- IT'S TIED TO A COMPUTER AND ONCE YOU'RE PRECERTIFIED, YOU JUST -- IT GOES THROUGH THE SYSTEM. BUT THEY DO NOT, ON A STANDARD BASIS AT ATN, HOUSE THE FILES. THEY DON'T -- THEY DON'T -- THEY GO -- THEY COME -- THEY GO -- THE PERSON GOES THROUGH, LIKE I SAY, THE WHEEL. THE ATN'S THE WHEEL AND THEY GO THROUGH THAT PORTAL TO THE PUBLISHER. THEY GET THE PERMISSION, THE FILE OR THE PERMISSION COMES BACK. WHAT THE NEW ADDITION IS WHERE THEY'RE GOING TO HAVE THIS FILE SHARING THING, SO THEY CAN CUT OUT REDUNDANCY. SO, AGAIN, WE MENTIONED YESTERDAY, UNIVERSITY OF TEXAS DOES A FILE AND MAKES IT ACCESSIBLE, THEY WOULD THEN PLACE THAT AND THIS WOULD BE, AGAIN, A PERMISSION THING, BUT IT'S BECOMING -- IT'S APPROACHING PRO FORMA, OKAY, THEN THE UNIVERSITY OF CONNECTICUT NEEDS THAT FILE AND IT'S

32

HAD SOME BASIC QC DONE ON IT BY ATN FOR MAKE SURE THAT THEY'RE NOT SENDING OUT SOMETHING FULL OF BUGS, IT WOULD JUST SIMPLY GO -- FLOW BACK AND THAT WOULD ELIMINATE THE REDUNDANCY. BUT THAT IS NOT -- IT IS A COPYRIGHT CENTRIC APPROACH, BUT IT'S NOT -- IT FALLS UNDER THE CHAFEE EXCEPTIONS.

>>: DO YOU HAVE A QUESTION?

>>: IT WASN'T ON THIS. JUST BACK TO -- THIS QUESTION REALLY IS FOR CHRIS. SO THE LICENSE WOULD BE -- THE LICENSEE WOULD BE THE UNIVERSITY?

>>: RIGHT.

May 4, 2011 Transcript of Meeting

>>: AND -- BUT THE UNIVERSITY THEN WOULD STILL HAVE TO TAKE THESE FILES AND PRODUCE THE ACCESSIBLE FORMAT?

>>: I THINK THAT'S PROBABLY SOMETHING TO INVESTIGATE IN THE COURSE OF THE PILOT TO SEE WHERE THAT -- THAT PIECE OF THE WORK FLOW BEST FITS. BUT MY GUESS IS UNTIL -- WE'RE HEARING A LOT THAT THE TECHNOLOGY IS EMERGING AND FEWER AND FEWER THINGS WILL NEED TO BE DONE TO THESE FILES TO MAKE THEM STUDENT READY. GO AHEAD.

>>: BUT RIGHT NOW IF WE WERE -- I'M THINKING RIGHT NOW IF WE WERE TO DO SOMETHING RIGHT NOW, EVEN, EVEN WITHIN THE NEXT YEAR, MY GUESS IS THAT THE FILES ARE GOING TO GET, EVEN THROUGH ACCESS TEXT, WOULD BE NOT STUDENT READY FILES, THEY NEED TO GO THROUGH THE DSS OFFICES.

>>: I THINK THAT'S RIGHT. WE'RE REALLY ENVISIONING THIS AS A WAY TO REDUCE TRANSACTION COSTS AND MAKING LICENSING --

>>: THAT'S WHAT I WAS ASKING.

>>: THANKS FOR THAT CLARIFICATION. MARK, AND THEN BRUCE.

>>: WELL, CHRIS, THE ONLY THING WE'RE TALKING ABOUT HERE ARE NONSTUDENT READY FINALS, RIGHT? BECAUSE IF IT'S AN eBook THAT'S BEING DELIVERED TO THE MARKETPLACE BY DEFINITION, IT'S STUDENT READY, AND WE WOULDN'T WANT IT COVERED UNDER THIS SCHEME, WOULD WE?

>>: WELL, I'M NOT SURE I UNDERSTAND THE QUESTION. THIS SCHEME IS NOT AN EXCLUSIVE FRAMEWORK AND IT'S NOT A MANDATORY FRAMEWORK. IF YOU HAVE THE ABILITY TO ACCESS -- WE HAVE CONTENT IS STUDENT READY AND YOU DON'T NEED A LICENSE TO DO ANYTHING WITH IT, TO MAKE IT STUDENT READY OR TO MAKE IT ACCESSIBLE, THEN YOU WOULDN'T -- YOU WOULDN'T NEED TO USE THE SYSTEM.

>>: OKAY. GOOD ENOUGH FOR ME.

>>: BRUCE WAS NEXT AND THEN JIM.

>>: I WAS IN A MEETING RECENTLY WITH A MAJOR UNIVERSITY SYSTEM AND WHAT THEY ESSENTIALLY ARE SAYING IS WE WANT TO LICENSE -- WE WANT THE PUBLISHERS TO COME IN AND WE WANT TO LICENSE EVERYTHING THEY'VE GOT FROM A TO Z, AND WE WOULD DO THIS ANNUALLY AND IT WOULD INCLUDE A SUPPORT CONTRACT, THEY COULD SPECIFY THE MATERIALS AND ALL THAT, BUT THEY WOULD GIVE THEM ALMOST ACCESS TO ABOUT ANYTHING THE PUBLISHER HAS IN THE REALM THAT THEY WANTED. AND IT WOULD BE AN ANNUAL OR MULTI-ANNUAL AGREEMENT, AND, YOU KNOW, YOU MAY HAVE SOME LEGACY PRODUCT IN THERE, MARK, THAT'S

33

GOING TO HAVE TO HAVE A DSS OR IT'S GOING TO HAVE TO GO TO TUCK'S SHOP, SOMETHING OF THAT NATURE, BUT BY AND LARGE, WHATEVER IT IS, DIGITAL, PRINT, LEGACY, NEW, EVOLVING, WOULD GO UNDER THIS LICENSE ON THIS CARTE BLANCHE BASIS, SO THAT'S ALREADY IN THE DISCUSSION THAT I'M INVOLVED WITH, AND I HAVE NO -- THAT'S -- I DON'T NORMALLY GET INTO THAT ARENA, THAT'S WHY I'M SORT OF -- IT'S A BUSINESS ARRANGEMENT AND I STAY AS FAR AWAY FROM IT AS I CAN, GENERALLY.

>>: JIM?

>>: YEAH, AND, CHRIS, I WAS CONCERNED WHEN YOU SAID THAT ONLY UNIVERSITIES WOULD BE THE LICENSEES. BECAUSE THE STATUTE FOR MODEL PROGRAMS IS REALLY SORT OF AIMED AT -- AT LEAST AT THE TIME WHEN THE STAFF WAS TALKING ABOUT IT, UNIVERSITIES AND ENTITIES LIKE BOOK SHARE, I WOULD PROBABLY INCLUDE ATN IN THAT SORT OF LIST WOULD PROBABLY MEET THE QUALITY OF THE DEFINITION, SO I'D BE CONCERNED IF THERE WAS A LICENSING ARRANGEMENT THAT DIDN'T ACTUALLY ENCOMPASS A LOT OF THE PEOPLE WHO ARE DOING A LOT OF THE SERVICE IN THIS -- IN THIS FIELD. SO THAT'S JUST LIKE ONE POINT. AND I THINK THE OTHER THING IS THAT -- AND MARK I THINK WE'RE GOING TO RUN INTO A LOT OF ISSUES WHERE THERE AREN'T GOING TO BE GROUPS THAT ACTUALLY FOLLOW THROUGH ON ALL OF THESE THINGS, AND WE -- AND I THINK THE LICENSING MECHANISM CLARIFIES, YOU KNOW, THAT THERE ARE STUDENTS WITH DISABILITIES THAT DON'T FALL UNDER CHAFEE AND STILL NEED THE KIND OF SERVICES THAT DSS OFFICES AND THE NATIONAL AUTHORIZED ENTITIES TEND TO DELIVER AND IF WE HAD A LICENSING SYSTEM, THEN WE WOULD GET OUT OF THIS QUESTION OF IS THAT PERSON SO DISABLED THAT THEY QUALIFY UNDER CHAFEE BUT THEY'RE DISABLED ENOUGH TO QUALIFY FOR THESE SERVICES AND THEY FALL IN THIS GIANT HOLE. SO I THINK THAT'S ONE OF THE REASONS WHY THE LICENSING APPROACH IS ACTUALLY QUITE ATTRACTIVE IS TO BE ABLE TO SOLVE THAT PROBLEM. AND, OF COURSE, WE ACTUALLY DO A LOT OF THESE SERVICES FOR PUBLISHERS. WE PROVIDE PUBLISHERS WITH DAISY FILES THAT THEY SELL. WE SUPPLY PUBLISHERS WITH XML FILES THAT THEY CAN TURN INTO EBOOKS THAT THEY CAN SELL. ESPECIALLY THOSE THAT ARE NOT SPECIALTY IN EDUCATION. PLACES LIKE RANDOM HOUSE WHERE WE FILL ALL OF THEIR REQUESTS. SO WE WANT TO BE PART OF THE SUCH A SYSTEM AND IT'S NOT EXCLUSIVE TO ANY ONE ENTITY. ATN, BY ITSELF, ISN'T GOING TO MAGICALLY SOLVE ALL THE PROBLEMS, BOOK SHARE BY ITSELF ISN'T EITHER. I THINK WE NEED DSS OFFICES PLUS THE ENTITIES.

>>: THANKS. AND -- CHRIS, GO AHEAD.

>>: I AGREE ENTIRELY WITH YOUR SECOND POINT THAT THE REAL ADVANTAGE OF A LICENSING MODEL LIKE THIS IS IT COMPLETELY GETS YOU AWAY FROM THE CHAFEE QUESTION. WITH RESPECT TO YOUR FIRST POINT, I THINK I PROBABLY MISSPOKE. I WAS THINKING UNIVERSITY AS OPPOSED TO AN INDIVIDUAL STUDENT, BUT I AGREE, IT'S BASICALLY ANYBODY WHO WOULD BE WILLING TO TAKE A LICENSE FROM THE CCC OR AN EQUIVALENT ENTITY WOULD BE ENTITLED TO DO SO.

34

>>: OKAY.

>>: THANKS FOR THAT. GAIER, PLEASE.

>>: GO AHEAD, IF YOU HAD A COMMENT.

>>: WELL, I HAD MY OWN QUESTION. I'M WONDERING -- WE'VE HEARD A LOT OVER THE PAST DAY AND A HALF OR SO ABOUT THE LARGE PUBLISHERS BUT ALSO COVERING ABOUT 90% OF THE BUSINESS WITH THEIR OTHER MANY -- YOU KNOW, MANY OTHER CONTENT PROVIDERS WHO ARE COVERING TEN PERCENT OR SO. WOULD THIS PILOT OFFER ANY KIND OF EFFICIENCIES IN REACHING OUT TO A WIDE

May 4, 2011 Transcript of Meeting

VARIETY OF CONTENT PROVIDERS? DO YOU SEE THAT AS POSSIBLE OR NOT REALLY POSSIBLE?

>>: YES, I THINK THAT'S THE ADVANTAGE OF USING AN TEN ENTITY LIKE THE CCC THAT HAS THESE ARRANGEMENTS IN PLACE. PUBLISHERS LARGE AND SMALL USE THEM TO HANDLE LICENSING ARRANGEMENTS. THEY WERE ORIGINALLY SET UP TO HANDLE LICENSING WITH PHOTOCOPYING. YOU PAY THE CCC A FEE ON A PER TRANSACTION BASIS OR BLANKET FEE. BUT THEIR MEMBERSHIP SPANS, I WOULD SUSPECT MANY OF THE MEMBERS USE CCC TO DO PRE-PRODUCTIVE GRAPHIC RIGHTS. I THINK THEY ARE USING A GROUP LIKE THE CCC THAT THEY ALREADY HAVE RELATIONSHIPS WITH AND IT'S NOT A HUGE LEAP TO THINK THE PUBLISHERS WOULD ALLOW THE CCC TO ALLOW --

>>: THAT'S INTERESTING. GAIER THEN BRUCE.

>>: ONE THING FOR THE DISCUSSION IS THAT YOU'RE MIXING APPLES AND ORANGES WHEN YOU'RE MIXING AN ATN AND A LICENSING AGREEMENT. THEY DO NOT TOUCH, OKAY.

>>: LET'S HAVE A DISCUSSION OF THAT AFTER GAIER'S BECAUSE THAT'S A GOOD POINT. GAIER?

>>: OKAY. SO I'M WHERE THE RUBBER MEETS THE ROAD ON THIS. MANY OF OUR COLLEGES ALREADY DO WORK WITH CCC. CCC IS ALREADY THERE. AS THEY SAID, CAL STATE'S ALREADY USING THEM. A LOT OF COLLEGES ARE ALREADY USING THEM. WE DO HAVE PEOPLE IN DISABILITY SERVICES OFFICES THAT GO TO GET FILES THAT ARE REFERRED TO CCC AND GET PDFS AND THEY HAVE TO PAY FOR THEM. THERE'S NO ADDED VALUE, THEY GET A PDF THAT THEY HAVE TO PAY FOR. SO ESSENTIALLY THE ONLY THING THAT THIS WOULD CONTRIBUTE TO THE COLLEGES IS THAT THEY WOULD HAVE THE SECURITY OF KNOWING THAT WHEN THEY TAKE AND THEY ALTER THIS FILE TO BE USED BY THE STUDENT, THAT THEY ARE WITHIN COPYRIGHT AND THERE IS A STRONG SENSE ON THE PART OF THE COLLEGES THAT THE FACT THAT THE STUDENT HAS THE BOOK, THAT THEY HAVE RIGHT OF OWNERSHIP OF THAT PROPERTY, AND THAT THEY ARE DIRECTED BY FEDERAL LAW TO ACTUALLY CREATE THESE MATERIALS TO BE ACCESSIBLE, THEY'RE NOT THAT CONCERNED ABOUT JUST PAYING MONEY TO SAY, YOU CAN DO THIS. AND PARTICULARLY IN THOSE STATES WHICH ARE THE LARGEST ONES LIKE CALIFORNIA AND NEW YORK WHO HAVE A STATE

35

LAW THAT SAYS THAT IF THE STUDENT HAS PURCHASED THE BOOK, THE PUBLISHER MUST PROVIDE THIS FILE AT NO EXTRA COST FOR THE STUDENT. NOW, IT DOESN'T ACTUALLY SAY THAT THE CAMPUSES CAN'T BE CHARGED AN EXTRA COST. HOWEVER, THE CAMPUSES ARE NOT REALLY WILLING TO DO THAT WHEN THEY SAY IF YOU'RE GOING TO CHARGE ME I'M JUST GOING TO SCAN IT. THAT'S WHERE THE RUBBER MEETS THE ROAD AND THAT'S THE BOTTOM LINE. AND WE ALL KNOW THAT THERE'S -- IF YOU GET TECHNICAL ABOUT IT, THERE'S SOME LEGAL ISSUES THERE AND WE'RE ALL OPEN HOPING THE FACT THAT THE STUDENT OWNS THE BOOK AND THE ADA REQUIRES US TO DO THIS, THAT'S GOING TO COVER US. THAT'S ONE ISSUE. IN ORDER TO MAKE THIS SCHEME WORK, YOU HAVE TO WORK WITH THE PUBLISHERS AND AS BRUCE JUST POINTED OUT, THE BIGGEST PUBLISHERS FROM WHOM WE GET THE LARGEST NUMBER OF REPEAT FILES -- AND I'M GOING TO COME BACK TO THAT POINT IN A MINUTE -- THE LARGEST NUMBER OF REPEAT FILES ALREADY HAVE THE ATN, THE OTHER PUBLISHERS THAT ARE OUT THERE AND THERE'S THOUSANDS OF

May 4, 2011 Transcript of Meeting

THEM, SMALL PUBLISHERS, MAY NEVER IN THE ENTIRE LIFE TIME OF THE PUBLISHER HAVE A REQUEST FOR A FILE OR THEY MAY, YOU KNOW, EVERY YEAR OR SO HAVE TWO OR THREE REQUESTS. BUT THE PUBLISHERS WHO HAVE THOUSANDS AND THOUSANDS OF REQUESTS EVERY SEMESTER, WE'RE ALREADY WORKING WITH THROUGH THE ATN AND THE CAMPUS IS REALLY HAPPY WITH HOW THAT'S WORKING FOR THE POST PART. WE'D LOVE TO GET FILES THAT ARE STUDENT READY. WE KNOW THAT'S AN ISSUE NOT SO MUCH WITH THE ATN BUT WITH WHERE TECHNOLOGY IS RIGHT NOW. BECAUSE THE ATN HAS SET UP A MECHANISM WHERE WE CAN EXCHANGE FILES THROUGH THOSE PUBLISHERS THAT ARE MEMBERS OF THE ATN, THAT'S A LIMITATION FOR THE CAMPUSES BECAUSE WE DO DEAL WITH A LOT OF OTHER FILES. BUT THEY INTEND TO BE THE ONE WHERE, YOU KNOW, HAVING THIS PROCESS, I DON'T SEE THAT IT'S GOING TO BE A BIG BENEFIT OF THE COLLEGE. THE OTHER THING IS THE LEVEL AT WHICH A CAMPUS DEALS WITH COPYRIGHT IS NOT AT THE DISABILITY SERVICES OFFICE, AND IN MY DISCUSSIONS WITH PEOPLE IN DISABILITY SERVICES OFFICES, THEY WOULD HAVE NO IDEA IF THE CAMPUS EVEN HAD A LICENSE WITH CCC LITERALLY. A LOT OF CAMPUSES ALREADY DO, THEY DON'T KNOW. SO THOSE TWO DIVISIONS OF THE CAMPUS AREN'T EVEN IN COMMUNICATION WITH EACH OTHER. SO I JUST DON'T SEE HOW THIS CAN WORK.

>>: THANK YOU FOR THAT. CHRIS, ANY -- ANY --

>>: HE'S SORT OF LOOKING TO ME, DO YOU KNOW ANYTHING ABOUT THAT?

>>: WELL, WITH RESPECT TO THE COMMENT --

>>: ALSO, STEPHAN WOULD LIKE SOME TIME AS WELL.

>>: JUST WITH RESPECT TO THE COMMENT THAT PEOPLE ARE HAPPY WITH ATN, THIS IS NOT A REPLACEMENT FOR THAT, AND I THINK BRUCE, THE REASON I WAS LOOKING FOR YOU, I THINK YOU WERE ABOUT TO DRESS WHY THIS IS APPLES AND ORANGES.

36

>>: GO AHEAD, BRUCE.

>>: OKAY. LICENSING, AGAIN, IT'S A DIFFERENT ANIMAL, AND THE WAY IT'S WORKING NOW, GAIER, AND WHAT I'M AWARE, IS IT'S DIGITAL MATERIAL, IT'S ACCESSIBLE, AND IT WILL BE -- NO, THROUGH THE LICENSING AND THE WAY IT'S SET UP NOW, THE PRODUCT, THEY'RE FIGHTING TO GET IT ACCESSIBLE, BECAUSE THEY'RE TRYING -- THAT WOULD BE PART OF THE LICENSING AGREEMENT, THAT IT WOULD BE.

>>: BUT IT'S NOT CURRENTLY. TRACY SAID THAT.

>>: WELL, NOT EVERYTHING. NOT EVERYTHING. THIS IS HAPPENING AS WE'RE SITTING HERE, THERE ARE SCHOOLS ALL OVER THE COUNTRY. WHAT HAPPENS IS BY LICENSING ALL YOUR MATH KIDS, TAKE ONE BOOK OR SOMETHING OR ENGLISH OR WHATEVER. IT'S PROVIDED DIGITALLY. THE ADVANTAGE IS IT ENSURES 100% OF YOUR STUDENTS GET IT. THE DISCOUNTS RUN FROM 40 TO 65% ON THAT CONTENT AND IF THE STUDENT DOES WANT A PRINTED BOOK, IT'S DONE GENERALLY LOCALLY ON-SITE AND THE PRICE RUNS AROUND TWENTY BUCKS. SO YOU GET THE 40 TO 60% DISCOUNT. SO YOUR STUDENT THAT YOUR OFFICES ARE CONCERNED WITH WOULD BE PROVIDED THAT BOOK PRO FORMA AS PART OF THEIR REGISTRATION UNDER THE

May 4, 2011 Transcript of Meeting

LICENSING OR FEE AGREEMENT PER STUDENT. AND SOME OF THE SETUPS ARE THE STUDENT PAYS A FEE, JUST LIKE THEY GO TO CHEMISTRY OR ART OR WHATEVER AND PAY A FEE AND THIS ENSURES THAT ALL THE STUDENTS ARE REQUIRING MATERIALS.

>>: BUT THIS EXISTS. THIS EXISTS. WHAT I DON'T UNDERSTAND IS WHAT ARE WE SAYING THAT IS SOMETHING THAT THIS COMMISSION NEEDS TO CONCERN ITSELF WITH THAT WOULD BE DIFFERENT?

>>: I DIDN'T SAY THEY DID, GAIER, I'M TRYING TO EXPLAIN IT. I DIDN'T ASK FOR A LICENSING THING. I DIDN'T KNOW IT WAS NEEDED. IF THAT'S SOMETHING THE COMMISSION WANTS TO ADDRESS, I WANT TO LET YOU KNOW HOW IT WORKS.

>>: I GET THAT. IT'S VOLUNTARY AND CAMPUSES ARE DOING IT NOW WHAT I DON'T UNDERSTAND IS WHAT WE NEED TO DO.

>>: WHAT THE EXTENT, REMEMBER WHEN IT STARTED, I THINK IT WAS ANDREW THAT BROUGHT IT UP, IF MEMORY SERVES, THAT THEY WERE TRYING TO FIGURE A WAY TO ACCELERATE THE NUMBER OF LICENSING AGREEMENTS THAT THEY AS AN ENTITY WERE GETTING WITH PRIVATE PUBLISHERS AND THEY SAID THE SYSTEM WAS TENUOUS TO DO IT. BUT THAT IS ENTITY TO PUBLISHER AND IT'S HARD FOR THIS COMMISSION TO INJECT OURSELVES INTO THAT. SO IT'S MOVED TO -- I DON'T KNOW WHERE IT'S MOVED TO, TO TELL YOU THE TRUTH. I'M TRYING TO TELL YOU HOW THE PIECES ARE WORKING NOW.

>>: WELL I THINK WE'RE NOT PULLED TOGETHER TO SUPPORT ONE ENTITY OVER ANOTHER. THAT'S NOT OUR PURPOSE. WE ALL KNOW THAT. THE FOCUS IS ON

37

STUDENT ACCESS. SO BEHIND THIS CONCEPT IS THE NOTION THAT RUNNING SOME SORT OF PILOT MAY PROVIDE AN ALTERNATIVE WAY TO INCREASING ACCESS TO TEXT.

>>: WE LIKE IT.

>>: I THINK THAT'S BEHIND IT.

>>: JUST BRIEFLY. WE'RE TALKING ABOUT -- AND WE'RE TALKING ABOUT DIFFERENT PILOTS. I KNOW ONE OF THE THINGS THAT LIZANNE HAS TALKED ABOUT, TOO, IS UNIVERSITIES NOT HAVING THE KNOWLEDGE AND INFORMATION, TOO, AND IF THE UNIVERSITY PARTICIPATED IN SOMETHING LIKE THIS, IT ALSO IS AN OPPORTUNITY FOR TRAINING OPPORTUNITIES WITH FACULTY AND IT'S NOT JUST THE DSS OFFICE THAT'S RESPONSIBLE FOR THE -- FOR THESE THINGS AND IT'S A LIABILITY FOR THE UNIVERSITIES AND PROFESSORS AS WELL. IT WAS AN OPPORTUNITY FOR EVERYONE TO LOOK AT PILOTS, WE'RE LOOKING AT NOT JUST THE LICENSING OR NOT JUST THE DSS OFFICE BUT THE WHOLE UNIVERSITY COMMUNITY, AND OUR OPE OFFICE HAS BEEN FUNDING SOME PROJECTS THAT ARE SMALLER PROJECTS BUT, REALLY, LIMITED WHAT THEY COULD DO. THIS COULD BE A PILOT THAT WE COULD LEARN SOMETHING FROM SO THAT OTHER UNIVERSITIES COULD -- AM I GETTING IT RIGHT, LIZANNE, FROM WHAT YOU'VE BEEN TALKING ABOUT, AS WELL. IT GOES BEYOND LICENSING.

>>: YES.

May 4, 2011 Transcript of Meeting

>>: I THINK WE'VE BEEN DOING THINGS THAT WEREN'T QUITE SO LEGAL POSSIBLY.

>>: LIZANNE.

>>: YEAH, I THINK ANY DEMONSTRATION OR ANY PILOT, IF IT'S GOING TO HAVE ANY IMPACT HAS GOT TO INCLUDE FACULTY AND PEOPLE WITH SIGNIFICANT INSTRUCTIONAL RESPONSIBILITY, BECAUSE THEY ARE REALLY THE ONES THAT ARE MAKING A DECISION ABOUT WHAT MATERIALS ARE PURCHASED AND WHAT MATERIALS ARE CREATED AND HOW THINGS ARE BEING OFFERED. SO THE DSS OFFICE IS GREAT, BUT IT DOES NOT GET AT THIS BIGGER ISSUE ON UNIVERSITY CAMPUSES.

>>: OKAY. THANK YOU FOR THAT. STEPHAN, DID YOU WANT TO COMMENT ON THE LICENSURE ISSUE, AS WELL.

>>: ACTUALLY, I WANTED TO --

>>: OR SOMETHING?

>>: -- KIND OF ADD ON TO --

>>: PLEASE DO.

>>: GAIER AND LIZANNE AND GLINDA.

>>: PLEASE DO.

>>: I THINK THAT, ONE, IN TERMS OF -- I THINK COMMENTING ON DEMONSTRATION PROJECTS IS A CRUCIAL PART OF WHAT WE NEED TO DO, NOT ONLY BECAUSE THE STATUTE SAYS SO BUT ALSO BECAUSE THAT IS A TANGIBLE WAY THAT THIS COMMISSION CAN PUT RUBBER -- OR ROAD TO RUBBER, WHATEVER THAT PHRASE IS. WE CAN DO THAT. A COUPLE OF THINGS THOUGH THAT STRIKE ME, IN THE -- IN THE REAL UNIVERSITY WORLD, ONE CHALLENGE THAT IS FACED, WE'VE HEARD OVER AND OVER FROM SPEAKERS, THAT MUCH OF THE RESPONSIBILITY FOR THIS

38

ULTIMATELY LIES WITH UNIVERSITIES AND CAMPUSES AND THERE ARE THE PEOPLE WHO ARE ULTIMATELY HELD LIABLE FOR ALL OF THIS COMPLIANCE IN THIS ACTION, AND AS WE ALL KNOW, THEY ARE OFTEN THE PEOPLE WITH THE FEWEST TOOLS AT THEIR IMMEDIATE DISPOSAL TO DO THINGS. I THINK LIZANNE AND GLINDA BOTH BRING VERY IMPORTANT POINTS THAT WE HAVE GOT TO KEEP AT OUR FOREFRONT, WHICH IS THAT ON MANY -- I MIGHT EVEN GO SO FAR AS TO SAY ON A PREDOMINANT OF COLLEGE CAMPUSES, THE NOTION OF FULL EQUITY AND FULL INVOLVEMENT OF PEOPLE WITH DISABILITIES IS NOT NECESSARILY YET A COMPLETE CAMPUS OWNERSHIP IDEA. IN MANY INSTANCES, IT IS STILL AN IDEA THAT IS VERY MUCH HARBORED OR PUT INTO ONE SMALL SPACE, ONE SMALL PIECE OF EITHER AN ACADEMIC AFFAIRS UNIT OR A STUDENT AFFAIRS UNIT. SOMETIMES EVEN RELEGATED STRICTLY TO A DISABILITY SERVICES OR AN ADA TYPE OF OFFICE. AND I THINK THAT WHEN SUZANNE -- OR WHEN LIZANNE AND GLINDA BRING UP ISSUES OF CAMPUS ENGAGEMENT OR PROJECTS THAT REACH BEYOND THE DISABILITY OFFICE, WE REALLY SHOULD TAKE THAT INFORMATION AND HEED THAT WARNING STRONGLY, BECAUSE I THINK THAT AS WE START LOOKING AT WAYS FOR MARKETS TO BE MODELED AND INFLUENCED AND WE START TALKING ABOUT HIGHER LEVEL

## May 4, 2011 Transcript of Meeting

ADMINISTRATORS BEING ABLE TO PUT PRESSURE ON COMMITTEE FORMATION AND PURCHASING DECISIONS, I WILL TELL YOU CURRENTLY THOSE MARKET FORCES ARE ABSOLUTELY NOT IN PLACE. THOSE PRESSURES ARE NOT -- THEY DO NOT EXIST YET TO MAKE THOSE TYPES OF THINGS HAPPEN, BECAUSE THAT LEVEL OF UNIVERSITY ENGAGEMENT, IT IS NOT THERE. IT MAY BE AT ONE OR TWO CAMPUSES HERE OR THERE, SO I THINK THAT WE CAN DO BOTH SOCIAL AND MARKET GOOD BY SEEKING TO INFLUENCE PROPERLY THAT IDEA. THE OTHER THING THAT I WANT TO POINT OUT AND I DON'T DO THIS AS AN INDICTMENT TO ANYONE, BECAUSE I ACTUALLY BELIEVE THAT EVERYONE IN THIS ROOM ACTUALLY IS HERE WORKING TOWARDS A COMMON GOOD, BUT I DO HEAR A LOT OF REFERENCES TO PEOPLE IN THE DISABILITY SERVICE WORLD NOT -- NOT RISING TO THE BAR. NOT BECAUSE PEOPLE ARE SAYING THEY'RE NOT GOOD PEOPLE, BUT THEY'RE SIMPLY STATING THAT THEY'RE NOT MAKING THE CUT OR THEY'RE NOT DOING WHAT NEEDS TO BE DONE. I THINK THAT I WOULD VERY MUCH LIKE TO SEE AT LEAST SOME PART OF OUR PROBLEM SOLVING BE ON WHAT CAN BE DONE TO HELP MAKE THAT PROCESS BETTER SO THAT COLLEGES AND UNIVERSITIES CAN DO A BETTER JOB, AND I WILL TELL YOU THAT ONE VERY BASIC THING IS THAT WHEN WE REFER TO UNIVERSITIES BEING PROVIDED DIGITAL FORMATS, IF THAT DIGITAL FORMAT IS A PHOTO PDF, YOU MIGHT AS WELL JUST SEND US THE BOOK. BECAUSE, REALLY, IF IT'S A GOOD DIGITAL PDF, WHAT YOU'RE SAVING US THE TROUBLE OF DOING IS CUTTING THE SPINE OFF AND SCANNING IT. IF IT'S A BAD DIGITAL PDF, YOU'RE SAVING US NO TROUBLE AT ALL AND YOU'RE ACTUALLY CREATING MORE WORK BECAUSE THEN WE HAVE TO PRINT IT SO THAT WE CAN SCAN IT AND CLEAN IT UP TO MAKE A GOOD ENOUGH COPY FOR OPTICAL CHARACTER RECOGNITION IT SO WE CAN DO SOMETHING WITH IT. THERE ARE VERY, VERY PRACTICAL THINGS THAT THE SYSTEM CAN DO EASILY TO MAKE THINGS BETTER SO THAT UNIVERSITIES CAN DO A BETTER JOB. WHILE I THINK IT IS IMPORTANT THAT WE HAVE OUR HIGH LEVEL POLICY IMPLICATION DISCUSSIONS, I THINK THAT IT IS ALSO IMPORTANT THAT WE HAVE SOME VERY PRACTICAL, FEET-ON-THE-GROUND RECOMMENDATIONS ABOUT THINGS THAT

39

WE CAN DO NOT IN TWO YEARS OR FIVE YEARS, BUT LINING THE DAY AFTER THE REPORT COMES OUT THAT WON'T COST ANYBODY ANY MONEY THAT CAN MAKE THINGS BETTER SYSTEMICALLY. SO I WOULD LIKE US TO -- I GUESS WHAT I'M SAYING IS I WOULD LIKE ALL OF US TO TAKE ALL OF OUR KNOWLEDGES AND LISTEN TO EACH OTHER AND PUT OUR BEST -- YOU KNOW, OUR BEST WISDOM AT THIS, BECAUSE I'M HEARING SO MANY GOOD IDEAS COME FORWARD AND I -- I JUST DON'T WANT US TO LOSE THE PRACTICALITY IN ALL OF OUR THOUGHTS. THAT'S WHAT I WANTED TO SAY.

>>: TERRIFIC POINTS, AND I THINK INCLUDING RECOMMENDATIONS LIKE THAT, IF THE COMMISSION AGREES, I, MYSELF, THINK IT WOULD MAKE IT A STRONGER REPORT, IF OTHERS AGREE. OOP HI, MY NAME IS HOLLY ANDERSON AND I AM AN OFFICE UNDER SECRETARY, I'M POLICY LIAISON IF INDIVIDUALS WITH DISABILITIES, AND THE LAST MEETING I GAVE YOU AN UPDATE ON THE MODEL DEMONSTRATION PROJECTS AND PRETTY MUCH SAID WE THOUGHT FOR 2012 FUNDING WAS JUST SHIFTING. AND WE HAVE GOTTEN THE 2011 BUDGET AND WE ARE STILL UNDER SOME ANALYSIS, BUT I AM NOT AS OPTIMISTIC AND WHERE AREAS WERE CUT, THEY WERE DEVASTATINGLY CUT, AND SO WHAT I'D LIKE TO DO IS ONCE WE KIND OF UNDERSTAND WHAT 2011 LOOKS LIKE AND THEN WHAT WE THINK THAT MEANS FOR 12, WE'D LIKE TO COME BACK TO THE COMMISSION, BECAUSE I DO THINK IT WOULD BE INFORMATION THAT WOULD BE CRITICAL FOR YOUR RECOMMENDATION ON MODEL DEMONSTRATION PROJECTS. SO I JUST WANTED TO THROW THAT IN.

May 4, 2011 Transcript of Meeting

>>: SO, HOLLY, THIS IS A -- BASICALLY A -- A CALL ABOUT MONEY?

>>: YES.

>>: AND WHAT YOU THINK WOULD BE AVAILABLE?

>>: YES.

>>: OR NOT AVAILABLE.

>>: AND WE SHOULD TEMPER OUR EXPECTATIONS ACCORDINGLY, IS THAT WHAT YOU'RE SAYING?

>>: I THINK THAT WE CAN PROVIDE YOU SOME INFORMATION THAT I THINK THE COMMISSION COMES UP WITH A RECOMMENDATION, I THINK THAT'S GOING TO BE LISTENED TO AND IF FUNDING IS SOMETHING THAT YOU THINK IS CRITICAL, I THINK THAT'S AN OPPORTUNITY TO PUT THAT INTO YOUR REPORT. AND SO I WANT TO MAKE SURE YOU HAVE THAT INFORMATION: LAST MONTH I WAS MUCH MORE OPTIMISTIC. THIS MONTH I'M HERE AS A REALIST AND I DON'T THINK WHAT WE'RE GOING TO BE COMING WITH WHEN WE HAVE DONE THE ANALYSIS, I DON'T THINK IT'S VERY GOOD NEWS.

>>: ALL THESE FOR 2012, AS WELL?

>>: WE ARE ANALYZING 2011 RIGHT NOW. WHAT WE ARE ESTIMATING IS THAT THAT WILL AFFECT 2012, SO I WILL COME BACK WITH AS MUCH INFORMATION ABOUT BOTH OF THOSE YEARS AS WE HAVE. WE GOT THAT INFORMATION LAST WEEK, THE WEEK -- AT THE END OF THE WEEK BEFORE LAST, AND SO WE'RE KIND OF SCRAMBLING AS TO WHAT THIS MEANS.

>>: WELL, THANKS FOR THAT. I KNOW WE HAD A NUMBER OF DISCUSSIONS ABOUT WHAT WE DO AS A COMMISSION THAT IS PRAGMATIC AND GOES FORWARD BECAUSE WE KNOW WHAT IS POSSIBLE OR PROBABLE VERSUS WHAT WE BELIEVE IS IDEAL OR SIMPLY NEEDED OR WHERE WE BELIEVE WE NEED TO PUT A STAKE IN THE GROUND

40

AND SHOW WHAT ABSOLUTELY SHOULD HAPPEN. SO I THINK WE'LL HAVE TO TAKE THAT UP AND WE'LL CERTAINLY LOOK FORWARD TO THAT INFORMATION TO HELP US THINK IT THROUGH, FOR SURE. AND I'M WONDERING ABOUT JUST FINISHING UP THIS DISCUSSION, YOU KNOW, CHRIS AND MARIA HAVE PUT FORWARD ONE CONCEPT OF A PILOT, AND I'M WONDERING, BASED UPON THE DISCUSSION SO FAR, IF THERE ARE OTHER IDEAS FOR A PILOT OR PILOTS THAT SHOULD BE CONSIDERED, IF ANYONE HERE IS THINKING IN THOSE TERMS? GLINDA, JIM, OTHERS, GAIER, OTHERS, WHAT WE GET HERE FROM LIZANNE IS THAT ANY KIND OF PILOT, AND GLINDA, AS WELL, COULD BE A WAY TO LOOK SYSTEMICALLY AT THE PROCESS OF PROVIDING ACCESS TO TEXT. AND WITH ALL OF THE PARTNERS IN THAT PROCESS. AND I THINK YOUR COMMENTS, STEPHAN, HAVE KIND OF REINFORCED THAT THAT THERE MAY BE A WAY NOT JUST WITH THE MEDIA RECOMMENDATIONS TO ENACT IMMEDIATELY BUT I THINK WHAT I ALSO HEARD YOU CALLING FOR IS THAT THIS IS A CHANCE TO LOOK AT HOW THE PLAYERS IN THE PROCESS COULD POSSIBLY IMPROVE WHAT IT IS THAT THEY CURRENTLY DO. BUT SOME THOUGHTS, GLINDA, YOU HAD YOUR HAND UP?

May 4, 2011 Transcript of Meeting

>>: I'M GOING TO SPEAK TO -- I'M GOING TO WEAR, LIKE GAIER DOES, MANY HATS. I CAME TO THE DEPARTMENT OF EDUCATION FROM A UNIVERSITY SETTING, SO I'VE SAT IN PLACES WHERE YOU WRITE RESPONSES TO THE -- TO THE RFPS, I'VE WRITTEN TO THEM, AND THE LAST 14 YEARS, MY JOB HAS BEEN TO WRITE THE PRIORITIES AND TO WRITE THOSE RFP'S, AND WHAT I WOULD SAY TO THE COMMISSION MEMBERS, AS WE LOOK AT THIS, IS THE BEST THING TO DO IS TO -- TO THINK ABOUT THE COMPONENTS YOU WANT. I THINK WHAT CONGRESS IS PROBABLY ASKING YOU IS NOT TO DESIGN THE STUDY, BUT MAYBE TO -- TO RECOMMEND TOPICS AND THE COMPONENTS OF THE STUDIES THAT YOU'RE LOOKING FOR. I WOULDN'T THINK -- MAYBE I'M WRONG -- BUT DESIGNING THE SPECIFICS OF THE STUDY IS PROBABLY NOT WHAT THEY'RE LOOKING FOR. I THINK IT'S -- COMING FROM THE FIELD IS WHAT YOU WANT THE FIELD TO CREATE THE VERY -- THE SPECS, BUT IT'S -- YOU WANT THE CREATIVITY FROM THE UNIVERSITIES: YOU WOULD LAY OUT THIS IDEA OF LICENSING AND PUT IT OUT TO THE FIELD AND HAVE A RESPONSE FROM THE FIELD. BECAUSE WE'RE TALKING FROM THIS CLOSED ROOM OF 19 PEOPLE ON THIS -- THIS COMMISSION, BUT WE WANT THE THINKING FROM THIS COMMISSION AND THE IDEAS FROM THE COMMISSION BASED ON THE DISCUSSIONS AND THE EXPERTS IN THIS ROOM, AND LAY OUT WHAT YOU SEE AS THE NEEDS. BUT THE SPECS, INSTEAD OF MAKING -- DESIGNING A STUDY, AM I MAKING MYSELF CLEAR?  
>>: UH-HUH.

>>: UH-HUH.

>>: THE COMPONENTS OF WHAT YOU WOULD PUT INTO STUDIES AND THEN MAYBE YOU'RE NOT LOOKING AT JUST ONE MODEL DEMONSTRATION, MAYBE YOU'RE LOOKING AT DIFFERENT POSSIBLE MODELS. WE USED TO RUN IN THE OFFICE OF SPECIAL EDUCATION PROGRAMS, WHEN WE HAD A RESEARCH LINE, WE RAN WHAT WE CALLED MODEL DEMONSTRATION PROJECTS, AND WE CALLED THEM DIRECTED MODELS. WE RAN THEM IN DIFFERENT AREAS, LIKE YOU MAY RUN ONE ON LICENSING OR YOU MIGHT RUN ONE ON UNIVERSITY TRAINING. DIFFERENT KINDS OF ASPECTS. OR YOU MIGHT

41

RUN A BIG PROJECT. BUT THERE ARE DIFFERENT WAYS YOU CAN DO MODEL DEMONSTRATION. SO KEEP YOUR -- KEEP YOUR HEAD IN THE BIG PLACE OF LOOKING AT IT AND NOT JUST IN LOOKING AT ONE MODEL AND ONE PROJECT. AND ON THE FUNDING ISSUE, TOO, THESE RECOMMENDATIONS ARE GOING TO CONGRESS, AND CONGRESS HOLDS THE PURSE STRINGS, AND, YES, THE BUDGETS ARE TIGHT, BUT REMEMBER, THEY ASKED US TO DO THIS. AND SO -- AND IN THE PAST, THEY'VE BEEN FAIRLY GENEROUS WITH THIS PROGRAM. THERE ARE PEOPLE THAT HAVE BEEN VERY GENEROUS WITH THIS PROGRAM. SO KEEP IN KIND THAT -- BE CREATIVE WHEN YOU'RE THINKING ABOUT T DON'T GET LOCKED INTO ONE KIND OF THING. THAT WOULD BE MY RECOMMENDATION.

>>: GLINDA, THANK YOU VERY MUCH. WE APPRECIATE THE RECOMMENDATION AND THE COMMENTS AND THE BACKGROUND. THANK YOU FOR THAT. LIZANNE?

>>: THERE'S A -- WE HAVE A LOT OF THINGS OVER HERE IN OUR AREA. IT'S VERY MESSY, STEPHAN.

>>: WE'RE RUNNING A RACE OVER HERE.

May 4, 2011 Transcript of Meeting

>>: I WAS TALKING ABOUT OUR WORK AREA HERE. THERE'S ANOTHER SET OF PLAYERS THAT WE HAVEN'T TALKED VERY MUCH ABOUT HERE, BUT I THINK IN THESE MODEL DEMONSTRATIONS, IT WOULD BE GOOD TO THINK OF THEM AS EITHER POTENTIAL APPLICANTS OR GROUPS THAT WE WANT TO INCLUDE, AND I WOULD SAY THAT PROFESSION ASSOCIATIONS ARE REALLY IMPORTANT LEADERS IN AFFECTING UNIVERSITIES. SO IN MY UNIVERSITY, APLU, THE ASSOCIATION OF PUBLIC AND LAND GRANT UNIVERSITIES WOULD BE A PROFESSIONAL ORGANIZATION THAT COULD PLAY A ROLE IN GETTING THIS INFORMATION OUT TO PRESIDENTS, CHANCELLORS, LEGAL COUNSEL, OTHER PEOPLE. AND, ALSO, I WAS HOPING WE WERE GOING TO TALK ABOUT STEM, BECAUSE THAT'S AN AREA IN WHICH I WORK. THERE, THE STEM PROFESSIONAL ASSOCIATIONS, AMERICAN CHEMICAL SOCIETY, AMERICAN PHYSICS SOCIETY, AMERICAN MATHEMATICAL ASSOCIATION, OFTEN HAVE VERY ACTIVE EDUCATION DIVISIONS THAT I THINK COULD DO A GOOD JOB WITH FACULTY ROLL-OUT. AT MY UNIVERSITY, IF YOU HAVE A FACULTY DEVELOPMENT THING ON EDUCATION, THE PEOPLE THAT COME ARE NOT GOING TO BE THE PEOPLE THAT YOU REALLY NEED TO AFFECT CHANGES IN. BUT IN PROFESSIONAL ASSOCIATIONS, SOMETIMES THEY CAN REALLY GET THE FACULTY. THEN I THINK ANOTHER POTENTIAL PARTNER IS THE NATIONAL SCIENCE FOUNDATION. THEY DO HAVE A DIVISION THAT DEALS WITH INCREASING ACCESS FOR PEOPLE WITH DISABILITIES IN SCIENCES. THEY HAVE A NUMBER OF VERY INTERESTING COMPETITIONS. I'VE REVIEWED FOR THEM RECENTLY. AND I THINK THAT THEY HAVE VERY COMMON INTERESTS, PARTICULARLY IN THE STEM AREA. SO I THINK IT WOULD BE WORTH THINKING ABOUT HOW WE CAN INTERACT WITH THEM IF WHAT WE'RE GOING TO TRY TO DO IS AFFECT CHANGE ON THE GROUND.

42

>>: OKAY. THANK YOU. JIM? AND WE'RE COME UP CLOSE TO OUR TIME.

>>: I WOULD SAY I'VE GOT LOTS OF IDEAS FOR THINGS WE COULD DO UNDER THIS -- UNDER THIS SECTION, BUT I THINK GLINDA'S POINT IS ACTUALLY -- THERE'S MULTIPLE SORT OF APPROACHES, RIGHT? MARK'S APPROACH IS LET'S LEAD WITH REQUIRING PEOPLE AIMING AT THE POST SECONDARY MARKET TO MAKE THEIR STUFF ACCESSIBLE AND HAVE A MARKET MODEL WITH THE BASIC UNIVERSITY DESIGN PRODUCTS. WE'RE TALKING WITH CHRIS ABOUT A LICENSING MODEL THAT ACTUALLY IS GOING TO FILL A LOT OF THE GAPS, AND A LOT OF THIS TO REDUCE DUPLICATION BUT TO REDUCE COSTS. GOOGLE HAS SIGNED UP OVER 30,000 PUBLISHERS FOR THE GOOGLE BOOK PROGRAM. THEY'VE GOT AN ARMY OF SALESPEOPLE. WE HAVE ONE PERSON AND SHE'S GOT 140 PUBLISHERS TO SIGN UP WITH US. YOU KNOW, WE -- AND WE'RE DOING -- WE DO BOOKS FROM THOUSANDS OF PUBLISHERS. SO WE'RE NEVER GOING TO BE ABLE TO GET A BODY THERE AND NEGOTIATE A CONTRACT WITH ANYONE OTHER THAN THE LARGEST PUBLISHERS WHO WILL TALK TO US. BUT I THINK THAT THE LICENSING THING CAN ACTUALLY FILL A GAP, AND IT'S -- AND REALIZE THERE ARE A LOT OF SCHOOLS THAT AREN'T -- LIKE GAIER'S SCHOOL, RIGHT, AND SOME OF THESE NATIONAL SOLUTIONS CAN REALLY HELP THEM, JUST LIKE ATN HELPS THEM. SO I THINK WE ACTUALLY WANT TO HAVE A COUPLE OF THESE SORT OF DIFFERENT PROJECTS.

>>: OKAY. THANK YOU, JIM. I THINK -- GAIER, DO YOU HAVE -- A QUESTION OR COMMENT?

>>: YEAH, TO ANSWER YOUR QUESTION ON OTHER MODELINGS THAT WE MIGHT WANT TO LOOK AT. I WOULD REALLY LIKE TO SEE A MODEL THAT WOULD INCLUDE ACCESSIBILITY AT THE DESIGN PHASE, AND I CAN SEE THAT IN A NUMBER OF

May 4, 2011 Transcript of Meeting

DIFFERENT WAYS, ONE OF WHICH IS I THINK PRETTY LOW HANGING FRUIT, WHICH WOULD BE A MODEL CURRICULUM FOR CAMPUSES FOR WEB DESIGN COURSES AND FOR SOFTWARE DESIGN COURSES WHERE ACCESSIBILITY IS PART OF THAT CURRICULUM FROM THE BEGINNING, BECAUSE WE'RE EDUCATING ALL THESE WEB DESIGNERS OUT THERE AND WE'RE NOT TEACHING THEM ABOUT ASSISTABILITY. I MEAN, TO ME, THAT IS SUCH A LOW HANGING FRUIT. IF THEY LEARN THAT IN SCHOOL, THAT'S WHAT THEY WOULD WANT TO DO. I WOULD LOVE TO SEE THAT AS A MODEL PROJECT.

>>: THANK YOU. SO SUM UP WE'VE GOT THE CONCRETE PROPOSAL FOR A PILOT UNDER CONSIDERATION. WE'VE ALSO HEARD SUPPORT FOR THAT, FOR CONSIDERATION. WE'VE ALSO HEARD A CALL FOR OTHER KINDS OF PILOTS TO BE AT LEAST CONSIDERED. SO WHAT WE'D LIKE TO DO, AS WE DID BEFORE, IS TO ASSIGN THIS TO A TASK FORCE TO BRING FORWARD SOME OPTIONS. TUCK, WE'D LIKE IT TO

43

BE YOURS, BEST PRACTICES. AND WITH SUPPORT, AS ALWAYS, FROM OUR FRIENDS AT CAST AND THE DEPARTMENT, SO THAT WE CAN -- WE CAN FURTHER DEVELOP THESE IDEAS, BRING THEM FORWARD FOR OUR NEXT MEETING. AND I THINK GAIER WHAT YOU'VE JUST DONE IS ALSO TO IDENTIFY DIFFERENT PLACES IN THE PIPELINE WHERE WE MIGHT WANT TO DO SOME PILOTING AND I THINK THAT'S A VERY INTERESTING THING TO DO. WE'VE HEARD A CALL FOR LOOKING SYSTEMICALLY FOR LOOKING AT ALL THE PLAYERS AND I THINK FROM JIM LOOKING AT WAYS TO INCREASE -- NOT JUST CREATE ACCESS BY STUDENTS BUT ALSO TO CREATE MORE EFFICIENT MARKET MODELS SO THAT WE CAN BRING MORE INFORMATION, MORE TEXT TO STUDENTS, ESPECIALLY ON CAMPUSES THAT ARE NOT NECESSARILY, YOU KNOW, PERFORMING AT LEVELS THAT WE WOULD LIKE THEM TO PERFORM. IS THAT A FAIR SUMMATION? OKAY. WITH THAT, LUNCH IS OUTSIDE. AND WE WILL RECONVENE, REMIND ME, AT 12:00.

>>: 12:00, PLEASE.

>>: SO THERE'S TIME TO EITHER CHECK OUT OR EAT OR DO BOTH.

(RECESS TAKEN.)

>>: SO IF THE COMMISSION MEMBERS COULD TAKE THEIR SEATS, PLEASE. I'D LIKE TO WELCOME RICK JOHNSON FROM VitalSource AND TELL US A LITTLE BIT ABOUT YOURSELF AS YOU GO INTO YOUR PRESENTATION.

>>: OKAY. WE'LL GET STARTED THEN. I THINK I'M APPRECIATIVE OF BEING ON THIS SIDE OF THE FOOD, RATHER THAN BETWEEN YOU AND THE FOOD, SO THAT'S FINE WITH ME. I HAVE NO PROBLEM WITH THAT. IT'S BETTER THAN THAT HUNGRY LOOK IN YOUR EYES AND I'M KEEPING YOU FROM THE FOOD. FIRST OF ALL, THANK YOU FOR THE OPPORTUNITY TO TALK TO YOU. AS SHE MENTIONED, I'M RICK JOHNSON, I'M THE CHIEF TECHNOLOGY OFFICER WITH VitalSource. CAN YOU HEAR ME? IS THIS MIKE ON?

>>: NO. CAN YOU PULL IT FORWARD.

>>: IT'S ON.

>>: IS THIS BETTER?

>>: YEAH.

>>: OH, OKAY. I'M A BIG GUY, SO I'LL JUST HOLD IT UP HERE THEN, RATHER THAN HUNCH OVER. WE'LL START OVER AGAIN. MY NAME'S RICK JOHNSON, I'M THE CHIEF TECHNOLOGY OFFICER FROM VitalSource. I WANT TO THANK YOU FOR THE OPPORTUNITY TO COME TALK TO YOU AND BASICALLY TELL YOU OUR STORY ON WHAT WE'RE DOING AND WHY WE'RE DOING IT I'VE GOT A FEW SLIDES HERE. I'LL ENTERTAIN AS MANY QUESTIONS AS I'M ALLOWED TO AS WE HAVE TIME FOR AT THE END. WHAT I'M GOING TO DO TODAY IS WALKING THROUGH REEL REALLY SIMPLY WHAT WE'RE DOING. WHY AM I HERE, WHO IS VitalSource? HAVE YOU HEARD OF US

44

OR NOT HEARD OF WITH US AND WHAT ARE WE DOING. SORT OF WHAT IS OUR STORY. WE HAVE A DEFINITE PASSION FOR THIS GROUP OF USERS. WE HAVE A PASSION FOR THEM NOT ONLY AS A COMPANY, BUT AS A SET OF INDIVIDUALS WITHIN THE COMPANY. WE'VE GOT A LOT OF PERSONAL STORIES WITHIN OUR COMPANY OF PEOPLE WHO HAVE EITHER RELATIVES OR, IN MY CASE, NEPHEWS AND FATHERS WHO ARE CONSTITUENTS OF THE WORK YOU'LL BE DOING AND THE WORK YOU'LL BE WORKING WITH, AND THE ADVICE THAT YOU WILL BE GIVEN. SO WE, AS A COMPANY, HAVE SORT OF INTRINSICALLY DEVELOPED AND WORKING WITH SOFTWARE FOR THE LAST SEVERAL YEARS AND FOR THE LAST THREE YEARS WORKING WITH A NUMBER OF VERY FAMILIAR FACES WE'VE BEEN WORKING WITH, SUCH AS RICK BOWES AND OTHERS IN THE COMMUNITY TO KEEP US ACCOUNTABLE AND LET US KNOW WHAT WE'RE DOING AND MAKING SURE WHAT WE'RE DOING IS ADDRESSING THE NEEDS OF THE MARKET. WHAT I WANTED TO DO IS WALK YOU THROUGH SORT OF WHAT WE'RE DOING AND ALSO TO PUT A CHALLENGE OUT THERE IN TERMS OF TAKING ADVANTAGE OF AN OPPORTUNITY THAT I SEE IN THE MARKETPLACE RIGHT NOW THAT IS LOOKING FOR LEADERSHIP SUCH AS WHAT THIS GROUP CAN PROVIDE. AND TO JUST ADDRESS THAT AND PUT THAT OUT TO YOU. SO BRIEFLY SUMMARIZING WHO WE ARE AS I MENTIONED, WE'RE A DIVISION OF INGRAM. INGRAM IS THE LEADER, REALLY, WORLDWIDE IN TERMS OF CONTENT DISTRIBUTION AND DIGITAL FULFILLMENT AND PRINT FULFILLMENT, IF YOU'VE HEARD OF INGRAM BOOK OR LIBRARY SERVICES OR LIGHTNING SOURCE, THAT WORK ON MOVING CONTENT TO WHAT WE'D CALL ITS FINAL DESTINATION, TO GET IT TO EITHER AN END USER IN SOME CASES OR RETAILER IN SOME CASES. INGRAM CONTENT GROUP HAS ABOUT 3,000 DIFFERENT ASSOCIATES. WE'RE A WORLDWIDE COMPANY. WE HAVE PERSONAL RELATIONSHIPS AND SUPPORT ABOUT 52,000 PUBLISHERS AND PRINTS IN THE MARKETPLACE. HUGE FACILITIES THAT DISTRIBUTE AND MOVE THAT CONTENT INTO A NUMBER OF DIFFERENT CHANNELS. THOSE CHANNELS INCLUDE AMAZON, GOOGLE, BARNES & NOBLE. USED TO BE BORDERS. WE'RE A BIG HOLDER OF THEIR CONTENT AND ACCOUNT. APPLE. A NUMBER OF DIFFERENT CHANNELS AS WE MOVE NOT ONLY PHYSICAL BUT DIGITAL MATERIAL INTO THOSE CHANNELS ON BEHALF OF THOSE 52,000 DIFFERENT PUBLISHERS. AND WE SUPPORT THAT DISTRIBUTION WORLDWIDE. VitalSource IS A PART OF THAT FAMILY WITHIN INGRAM. WE ARE, BY OUR ESTIMATIONS, THE LARGEST eBook DISTRIBUTOR IN THE TEXTBOOK MARKET. WE'VE BEEN AT THIS SINCE 1999, YET WE ARE SOMEWHAT ANONYMOUS IN TERMS OF IN THE MARKETPLACE. AND THAT IS BECAUSE WE DON'T DIRECTLY ADDRESS CONSUMERS. WE DON'T SELL TO STUDENTS. WE DON'T SELL TO END USERS. WE SELL TO OTHER BUSINESSES. WE SELL TO OTHER TECHNOLOGY PROVIDERS. WE SELL TO OTHER COMPANIES. I KNOW THAT YOU'VE HAD

45

## May 4, 2011 Transcript of Meeting

PRESENTATIONS IN PREVIOUS MEETINGS FROM SOME OF OUR VENDORS LIKE COURSESMART WHO'S A LICENSEE OF OURS AND HAS USED OUR TECHNOLOGY TO DELIVER SOMEWHAT OF WE'VE PRODUCED. WE HAVE ABOUT RIGHT NOW A MILLION AND A HALF DIFFERENT REGISTERED USERS OF OUR SOFTWARE PLATFORM WORLDWIDE. IT'S ON ABOUT 6,000 CAMPUSES IN ABOUT 200 DIFFERENT COUNTRIES AND TERRITORIES AROUND THE WORLD. AND WE HAVE -- I CHECKED THIS MORNING -- RIGHT AROUND 2,000 DIFFERENT TITLES IN OUR SYSTEM THAT ARE DISTRIBUTED OUT TO THOSE UNIVERSITIES. WE'VE GOT A LOT OF CONTENT, A AND WE'VE BEEN WORKING IN THIS MARKET FOR A WHILE. WE'RE DELIVERING OUR FIFTH GENERATION OF OUR READER SOFTWARE AND IT'S REALLY THE FIRST ONE WE CAN SAY WAS ACCESSIBLE. IT WAS A GROWTH EXPERIENCE FOR US. AND WHAT WE HAVE BEEN DOING IN THIS MARKETPLACE IS GOING THROUGH A CYCLE, GOING THROUGH A CYCLE OF CREATING SOFTWARE, DOING THE WORK ON IT, PUTTING IT OUT THERE FOR TESTING BY PEOPLE THAT I'LL TALK WITH IN JUST A FEW YEARS AND REPEATING THAT AGAIN AND PUTTING IT BACK UP THERE FOR TESTING. ABOUT A YEAR AGO WE CAME OUT WITH VERSION 5.3, WHICH WE FELT SPECIFICALLY ADDRESSED THE MARKET THAT WE CLAIMED IT'S ACCESSIBLE FOR THE FIRST TIME. WE PUT A VPACC TOGETHER -- I KNOW YOU ALL UNDERSTAND THE LIMITATIONS OF THAT. WE'LL TALK ABOUT THE THINGS IN THE MARKETPLACE WE FEEL WE CAN SAY MEETS THE NEEDS OF THESE USERS WHO HAVE EITHER ACCESSIBILITY CONCERNS OR VISION CONCERNS OR LOW VISION CONCERNS FOR ACCESSING THEIR TEXTBOOKS. OUR SOFTWARE IS UNIQUE IN THAT WE HAVE ONE ACCOUNT ON OUR SOFTWARE, BUT YOU HAVE MULTIPLE WAYS OF USING IT. IT'S NOT LOCKED TO A SPECIFIC DEVICE OR LOCKED TO A SPECIFIC ENVIRONMENT. YOU CAN ACCESS IT THREE DIFFERENT WAYS, THROUGH DIFFERENT DOWNLOAD CLIENTS THAT RUN ON THE MAJOR DIFFERENT OPERATING SYSTEMS THROUGH DIFFERENT ON-LINE BROWSERS OR THROUGH DIFFERENT MOBILE CLIENTS THAT ARE AVAILABLE AS WELL. SO YOU CAN GET ACCESS TO IT, DEPENDING ON WHERE YOU ARE AND HOW YOU NEED ACCESS TO THE CONTENT. BECAUSE WE'VE BEEN INVOLVED IN THE MARKETPLACE FOR A LONG TIME, WE FEEL THAT WE REALLY UNDERSTAND THE TWO CONSTITUENTS THAT WE SERVE. WE REALLY FACE THE PUBLISHERS AND HELP THEM WITH THEIR CONTENT AND WE FACE WHO OUR END USERS ARE, EITHER SPECIFIC USERS OR INSTITUTIONS OR RETAILERS WHO ARE DELIVERING THOSE SOLUTIONS OUT TO THE MARKETPLACE. WE DO A LOT OF INTEGRATIONS WITH DIFFERENT COMPANIES SUCH AS BLACKBOARD AND E COLLEGE FOR THE HIGHER ED SYSTEMS WHO ARE IN THOSE PORTALS CAN TRANSPARENTLY GET ACCESS TO THEIR CONTENT. BUT FUNDAMENTALLY, WHAT WE HAVE, IT'S REALLY RELATIONSHIPS WITH THE PARTNERS I KNOW YOU'RE AWARE OF. A LOT OF PEOPLE I KNOW WERE HERE YESTERDAY TALKING AND REPRESENTING WHAT THEY'RE DOING. PEOPLE WHO ARE WORKING WITH THE MAJOR PUBLISHER HOUSES WITHIN HIGHER ED

46

AND WHO WE HAVE AGREEMENTS WITH ALL OF THEM, PEARSON, CENGAGE, MACMILLAN, WILEY, AS WELL AS DIRECT AGREEMENTS WITH A LITTLE OVER 80 OTHER WHAT YOU CALL SECOND TIER OR THIRD TIER PUBLISHERS. AND AS PART OF INGRAM WE HAVE ACCESS TO ALL DIFFERENT 52,000 IMPLANTS IN THOSE RELATIONSHIPS THAT WE MAINTAIN. SO WE'RE MOVING THE CONTENT IN THAT'S BEING REQUESTED BY THE COMMUNITY AND BEING REQUESTED BY OUR CUSTOMERS INTO THE MARKETPLACE. THE SYSTEM AS A WHOLE, IF YOU THINK ABOUT ETEXT WHICH YOU USUALLY FOCUS ON WHAT'S THE READING DEVICE OR WHAT'S THE PLATFORM OR WHAT THE SOFTWARE THAT'S BEING RUN, REALLY THAT'S JUST A PART OF THE SYSTEM THAT VitalSource PROVIDES AND IT IS A PART OF OUR STRENGTHS, REALLY, IN TERMS OF THE VERSATILITY OF WHAT WE PROVIDE. WE PROVIDE A DIGITAL CONTENT PLATFORM THAT IS JUST BEYOND THE READER. IT'S A LOT OF INTEGRATED BACK

## May 4, 2011 Transcript of Meeting

END SUPPORT AND INTEGRATED BACK END SUPPORT FOR THE PUBLISHER TO BE ABLE TO WORK THEIR CONTENT INTO THE SYSTEM FOR INTEGRATORS TO BE ABLE TO INTEGRATE, TO DO SINGLE SIGN-ON FROM THEIR PORTALS, FOR INSTITUTIONS TO BE ABLE TO BRING IT ON TO THEIR ON-LINE CAMPUSES OR DOWNLOADED ENVIRONMENTS AND PROVIDE THAT WHOLE DIGITAL PLATFORM FOR PEOPLE TO BE ABLE TO USE IN THE ENVIRONMENT. WE HAVE, AS I MENTIONED, THREE DIFFERENT WAYS TO ACCESS THE SOFTWARE. I'M NOT GOING TO DEMONSTRATE THE SOFTWARE BUT I'M GOING TO GIVE YOU A LITTLE BACKGROUND SO YOU UNDERSTAND WHAT WE PROVIDE. IN AN ON LINE ENVIRONMENT OR DOWNLOAD ENVIRONMENT OR MOBILE ENVIRONMENT, THE ONE FUNDAMENTAL CHALLENGE WE HAVE FOR THIS AUDIENCE IS TO REALLY MAKE SURE THAT ALL OF THOSE ARE ACCESSIBLE. BECAUSE IF YOU TAKE A LOOK AT WHAT WE BELIEVE WE WANT TO DO, IT'S NOT TO HAVE AN ACCESSIBLE VERSION OF OUR SOFTWARE OR NOT TO HAVE ACCESSIBLE VERSIONS OF THE CONTENT. BUT WE WANT ANYONE USING OUR SOFTWARE, ANYONE USING CONTENT IN OUR SOFTWARE TO HAVE THE MOST ACCESSIBLE EXPERIENCE POSSIBLE. SO WHAT THAT MEANS FOR US IS WE HAVE A NUMBER OF CHALLENGES THAT WE HAVE TO SOLVE. IF WE LOOK AT OUR SAFETY WEAR, THERE'S A LOT OF DIFFERENT POINTS OF INTERACTION THAT A USER WOULD HAVE. AND WORKING WITH HIGHLIGHTS AND NOTES. AND WORKING WITH DIFFERENT TABBED INTERFACES AND PULL OUT DIFFERENT PARTS OF THE BOOK. THERE MAY BE EMBEDDED MEDIA WITHIN THE BOOK THAT THEY NEED TO HAVE ACCESS TO AND UNDERSTAND WHAT'S HAPPENING IN THERE. THERE MAY BE NOTE SHARING AND COLLABORATION GOING ON WITH OTHER PEOPLE WHICH IS FACILITATED WITHIN OUR PLATFORM AND ALL OF THESE THINGS HAVE TO BE ACCESSIBLE AND HAVE TO BE ABLE TO WORK WITH A USER WHO HAS THOSE NEEDS. IN ADDITION, THERE ARE THINGS LIKE AGGREGATED SEARCHES AND WALKING THROUGH HOW DO I DEAL NOT ONLY INTERACT WITH THE CONTENT BUT HOW DO I DEAL WITH THE CONTENT AND SEARCH IT AND GET RESULTS BACK AND SEARCH DIFFERENT WAYS IN THE CONTENT AND HAVE ALL OF THOSE BE ACCESSIBLE AS WELL? SO IF I WERE TO SUMMARIZE OUR APPROACH IN ONE WORD OF HOW WE APPROACH ACCESSIBLE, IT'S MAINSTREAM. WE DON'T BELIEVE -- WE BELIEVE THAT THERE IS A -- A PLACE AND A NEED FOR THINGS LIKE ACCESS TEXT FOR THINGS

47

LIKE THE DSS OFFICES, THOSE ARE WONDERFUL OPPORTUNITIES, BUT IF THERE IS SOMEBODY WHO IS USING OUR SOFTWARE, WE FEEL WE SHOULD AT LEAST WITHIN OUR SOFTWARE PROVIDE THE MOST ACCESSIBLE EXPERIENCE POSSIBLE. WHAT WE WANT TO DO IS REALLY LOOK AT ACCESSIBILITY IN THREE DIFFERENT AREAS. BEYOND JUST THE VPACC, BEYOND JUST THE LEGAL AREA. THE OBLIGATIONS THAT YOU ALL HAVE HELPED DEVELOPED AND YOU ALL HAVE HELPED PUT IN THE MARKETPLACE TO MAKE SURE WHAT IS EXPECTED OF US IS THERE. AND SO TO DO THAT, WE MAKE SURE THAT WE HIT THE FIVE-WAY COMPLIANCE OR HIT THE WCAG COMPLIANCE. WE FEEL WE HAVE TO GO BEYOND THIS. BECAUSE OF OUR UNIQUE POSITION IN THE INDUSTRY AND OUR RELATIONSHIP WITH ALL THE DIFFERENT PUBLISHERS, WE HAVE THE OPPORTUNITY TO WORK WITH THEM AND TO HELP EDUCATE THEM. HOW CAN THEY MAKE THEIR CONTENT MORE ACCESSIBLE? WHAT CAN THEY DO TO MOVE THEIR CONTENT INTO THIS MARKETPLACE AND TO HELP BRING THEM FORWARD INTO THE MARKETPLACE, AS WELL, TO PROVIDE STUDENT READY ACCESSIBLE CONTENT THAT'S MAINSTREAMED WITHIN THEIR PLATFORM AS WELL. IT'S NOT A SEPARATE WORK FLOW BUT A STANDARD PART OF THEIR WORK FLOW. THEN THE THIRD AREA IS MOST IMPORTANT, THAT IS TO MAKE SURE OUR FEET ARE HELD TO THE FIRE. THAT WHAT WE WIND UP WITH A HIGHLY FUNCTIONAL READING EXPERIENCE. SO I JUST WANT TO DRILL DOWN ON THOSE THREE POINTS JUST REAL QUICKLY HERE IN THE NEXT SLIDE. WHAT WE MEAN BY APPLICATION SUPPORT, IT IS FAIRLY OBVIOUS TO THIS GROUP. YOU ALL ARE VERY FAMILIAR WITH THIS. TO PROVIDE NAVIGATION, TO

PROVIDE DISPLAY, TO PROVIDE OPERATION WITHIN THE SOFTWARE, TO MAKE SURE THAT THOSE TASKS ARE ACCESSIBLE. IN ADDITION, IT'S TO MEET THE LEGAL OBLIGATIONS OF THE DIFFERENT STANDARDS THAT ARE OUT THERE AND TO MAKE SURE THAT WE ARE COMPLYING WITH THOSE. WE WOULD LOVE TO BE CERTIFIED, IF THAT'S WHAT YOU GUYS DECIDE TO DO, BUT WE AT LEAST WANT TO BE COMPLIANT BECAUSE THAT'S WHERE WE CAN BE RIGHT NOW. HOW WE WILL DO THAT IS NOT BY CREATING SOMETHING NEW, BUT BY GOING OUT TO THE MARKETPLACE AND SAY WHAT ARE YOU USING AND TO MAKE SURE THAT WE USE WHAT THE MARKETPLACE IS USING. AND SO WE WENT TO APPLE AND SAID WHAT IS IT THAT APPLE HAS? WELL, THAT'S THE EASIEST ONE, VOICE OVER BUILT INTO ALL THE MAC'S. THAT'S THE EASIEST ONE. TRANSFERS TO THE IOS, TRANSFER TO THE OTHER APPLICATIONS. WE WENT TO THE WINDOWS PLACE. THERE'S A COUPLE LEADERS THERE, JAWS OBVIOUSLY IS THE FIRST ONE. MAKE SURE WE'RE WORKING WITH JAWS. LOOKING AT THE FREE ALTERNATIVE, WHICH IS THE NBDA, MAKE SURE WE'RE WORKING WITH THAT. THIS

48

YEAR WE'RE EXPANDING INTO WINDOWS EYES. THEIR LATEST VERSION MOVES THEM - - I HATE TO GET TECHNICAL HERE, I AM THE CHIEF TECHNOLOGY OFFICER, BUT MOVES THEM INTO THE PLATFORM THAT MAKES IT EASIER TO WORK WITH THEM, SOMETHING CALLED UIA, USER INTERFACE AUTOMATION. SO WE CONTINUE TO EXPAND THESE RELATIONSHIPS WITH WHO THE INDUSTRY IS USING AND CONTINUE TO MOVE FORWARD AND BROADEN OUR SUPPORT THERE. AND THEN TO PROVIDE THAT DOCUMENTATION THAT'S NEEDED, AS WELL, SO PEOPLE CAN ACTUALLY LOOK AT WHAT ARE WE CLAIMING AND ARE WE CLAIMING TRUTH OR ARE WE CLAIMING FALSENESS SO PEOPLE CAN TEST US. SO WE MAKE OUR VPACC'S AVAILABLE ON LINE SO YOU GOOD CAN DOWNLOAD THOSE. I'M SORRY, I WAS ONE SLIDE BEHIND. YOU GUYS WERE LOOKING AT THE LAST SLIDE. THAT'S WHAT I WAS JUST TALKING ABOUT THERE. SORRY. THE SECOND AREA, AS I MENTIONED, IS WORKING WITH THE PUBLISHERS, AND AS INGRAM, THIS IS REALLY AN OPPORTUNITY THAT I SPEND A LOT OF TIME WITH. NOT ONLY WORKING WITH PUBLISHERS, WORKING WITH THE OUTSOURCERS, MAKE SURE THAT THEY'RE FAMILIAR WITH WHAT'S GOING ON, MAKE SURE THAT WE HAVE THE MULTIPLE LANGUAGE SUPPORT, MAKE SURE THAT PEOPLE UNDERSTAND IF YOU MAKE A CHOICE, OUR PLATFORM SUPPORTS BOTH RICH XML MARKUP AND PDF MARKUP AS W AND I HEARD IT SAID EARLIER, A BAD PDF IS ABOUT THE WORST THING YOU CAN HAVE. IT'S NOT ACCESSIBLE AT ALL. THERE ARE INCREMENTS YOU CAN DO IN THE PDF, BUT A PDF FUNDAMENTALLY HAS LIMITS. WHERE DOES IT STOP USERS FROM HAVING GOOD ACCESSIBILITY? AND THEN MOVING INTO OTHER MORE RICH FEATURES LIKE MATH ML SUPPORT. YOU GET GREAT ACCESSIBILITY, ENGLISH PHRASING OF MATH PHRASES WITHIN A MATH RENDERER. WHAT IS ALT TAGS? SOMETIMES PUBLISHERS DON'T UNDERSTAND WHAT THAT IS AND JUST DUPLICATE, AS I'M SURE YOU'RE FAMILIAR, TAKE THE TITLE AND MAKE IT AN ALT TAG. THAT'S ACTUALLY THE WORST THING YOU CAN DO. SO HELPING THEM UNDERSTAND WHAT IS THE PROCESS HERE? HELPING OUTSOURCES IN INDIA UNDERSTAND HOW DO YOU MAKE THESE DESCRIPTIONS OF TEXT AND PROVIDE THOSE AS A SERVICE TO THE PUBLIC PUBLISHER. THE WORK THAT INGRAM IS DOING IN THIS MARKETPLACE. THE WORK THAT THE IPDF IS DOING WITH EPUB. WE'RE HUGE SUPPORTERS OF EPUB. IT'S A FANTASTIC OPPORTUNITY TO THE EDUCATION MARKETPLACE. I SAT ON THE WORKING GROUP FOR EPUB3 STANDARD AND WE'RE JUST DELIGHTED AT WHAT'S COMING OUT. WE WILL BE COMPLETELY SUPPORTING WHAT'S COMING OUT BECAUSE OF HOW IT ADDRESSES THESE TWO CONSTITUENTS WE HAVE AT INGRAM. IT HELPS THE USERS AND HELPS THE PUBLISHERS. I'M GOING TO SPEND A LITTLE TIME ON THAT IN A MOMENT. THE THIRD AREA I TALKED ABOUT IS READING EXPERIENCE. THIS IS

REALLY THE CRITICAL ONE AND I THINK THIS GOES TO THE EARLIER CONVERSATIONS I HEARD IN THIS ROOM, AND THAT IS THERE'S NO WAY TO CERTIFY COMPLIANCE. SO OUR WAY OF CERTIFYING COMPLIANCE IS TO GO OUT THERE AND TO OPENLY ACKNOWLEDGE WE ARE NOT THE EXPERTS. WE DO NOT KNOW WHAT IT IS LIKE TO BE DISABLED. BECAUSE I'M SIGHTED. SO I NEED TO GO TO PEOPLE WHO ARE DISABLED AND HAVE THEM USE OUR SOFTWARE. I NEED TO WORK WITH ORGANIZATIONS LIKE RICK BOWES'S GROUP, LIKE THE NFB GROUP, LIKE THE GROUP OVERSEAS IN BRITAIN. WE'VE BEEN WORKING WITH CAL STATE FOR THREE YEARS. WORKING WITH GROUPS THAT ARE ACTIVELY ENGAGED WITH THIS COMMUNITY WHO THEN CAN TEST OUR SOFTWARE AND TELL US WHERE WE HAVE FALLEN SHORT. THEN WE REMEDIATE, PUT IT BACK OUT THERE AND TEST IT AGAIN. HAVE THIS CONSTANT LOOP OF DEVELOPMENT AND INNOVATION THAT WE'RE ENGAGED WITHIN THE MARKETPLACE. WE HAVE A THREE-YEAR HISTORY OF WORKING WITH THE AFB AND RICK'S GROUP. WE'VE ENGAGED WITH OTHER GROUPS I MENTIONED CAL STATE AND OTHERS, WE HAVE AN ONGOING HISTORY THAT SHOWN THIS IS A LOOP THAT WE'RE COMMITTED TO, TO DEVELOP AND REMEDIATE, DEVELOP AND REMEDIATE, AND CONTINUE TO IMPROVE OUR FEATURES TO ADDRESS THIS MARKETPLACE, BECAUSE THERE IS NO CERTIFICATION. THE CERTIFICATION IS USERS NOT COMPLAINING IS HOW I LOOK AT IT. A QUIET USER IS A CERTIFIED USER IN OUR OPINION. AND SO THAT'S HOW WE WANT TO REALLY HAVE OUR FEET HELD TO THE FIRE AND WE WELCOME MORE INVOLVEMENT THERE AND MORE GROUPS TO HELP US WITH THAT. TO REVISIT THE POINT I MADE ON THE LAST SLIDE AND WHY WE'RE SO EXCITED ABOUT EPUB, AS I SAID, IT ADDRESSES -- I'M A SLIDE BEHIND. THERE WE GO. AS I SAID, THIS ADDRESSES THE TWO CONSTITUENCIES THAT THEY HAVE. THEY GET THE MULTIPLE LANGUAGES, THEY GET THE MATH ML, THEY GET MEDIA, THESE ARE FEATURES THAT YOU HEARD MELISSA FEW SLIDES AGO WE'VE BEEN DELIVERING SINCE '99 AND THE REASON THIS IS EXCITING IS BECAUSE USERS WILL GET THIS FROM THE STANDARD FLOW. THE PUBLISHERS WILL NOT HAVE TO HAVE A SEPARATE QA PROCESS, A SEPARATE CONSTRUCTION PROCESS, AN ADDED EXPENSE, A SEPARATE WHOLE LINE WITHIN THEIR WORK FLOW WHEN THEY MOVED TO USING EPUB, WHICH WE ARE ACTIVELY WORKING WITH TO START NOW, THEY GAIN A LOT. THEY GET A STANDARD PROCESS. THEY GET STANDARD QA, THEY GET A LOT MORE DISTRIBUTION OPTIONS IN WORKING WITH DIFFERENT DEVICES, SO THIS IS REALLY WHERE I WANTED TO HAVE THE CALL OF ACTION TO THIS GROUP FROM OUR OPINION. YOU GUYS HAVE AN OPPORTUNITY TO VALIDATE WHAT IS HAPPENING IN THE INDUSTRY AND TO REALLY PROVIDE LEADERSHIP TO SAY HERE'S HOW PUBLISHERS CAN ADDRESS THIS. HERE'S HOW PUBLISHERS CAN LOWER COST BUT ADDRESS THE MARKETPLACE BY MOVING TO THINGS LIKE WHAT'S HAPPENING WITH THE EDPF AND EPUB3. AND YET

IT DOESN'T LIMIT NEW IDEAS. BECAUSE YOU CAN INNOVATE ON TOP OF EPUB3. THERE'S AN OPENING IN THE TOP WHERE YOU CAN STILL DO NEW THINGS TO DIFFERENTIATE YOU IN THE MARKETPLACE. SO YOU CAN TAKE ADVANTAGE OF THAT, AS WELL, IN THE COMPETITIVE MARKETPLACE, BUT HAVE THE SUPPORT OF KNOWING THAT THE INDUSTRY'S MOVING THERE. SO IF THERE'S ANYTHING I CAN DO TODAY, IT'S AN APPEAL TO YOU TO LOOK AT THAT AND REALLY CONSIDER THAT AS AN OPPORTUNITY. SO JUST SORT OF SUMMARIZING, WHAT ARE WE DOING NEXT? ACCESSIBILITY IS AN INTEGRAL PART OF EVERYTHING WE DO. IT'S IN EVERY DEVELOPMENT PROCESS, IT'S IN EVERY DEVELOPMENT MEETING. WE MAKE SURE THAT WHAT ARE WE DOING TO MAKE SURE THAT THIS NEXT FEATURE, THIS NEXT CLIENT, THIS NEXT BACK END SERVICE WE'RE DOING IS ACCESSIBLE. IT'S PART OF OUR

## May 4, 2011 Transcript of Meeting

MAINSTREAM, IT'S PART OF OUR DNA, WE'RE FULLY COMMITTED TO EPUB AND MOVING OUR PUBLISHERS AND INSTITUTIONAL PARTNERS THAT WE WORK WITH AND CUSTOMERS WITH US INTO THAT MARKET. WE WILL BE ANNOUNCING AT THE EPUB ROLLOUT LATER THIS MONTH OUR FULL SUPPORT FOR THIS AND OUR FULL TRANSITION OF OUR PLATFORM TO THIS AND OUR TIMELINE FOR THIS. BUT ESSENTIALLY 2012 WE'LL BE ROLLING OUT THE FULL SUPPORT FOR THAT AS THE INDUSTRY GETS THE CONTENT THERE. WE HAVE ONGOING NEW RELEASES OF OUR DESKTOP AND ON LINE AND MOBILE PLATFORMS THAT ARE COMING THIS SUMMER WITH, AGAIN, MORE REMEDIATION AND ENHANCEMENT FROM THE LAST ROUND OF REVIEWS AS WELL AS WE'VE JUST SET UP A NEW ROUND OF REVIEWS FOR THE SOFTWARE WE'RE RELEASING TO SEE WHERE THE HOLES ARE NOW, SEE WHERE WE NEED TO MAKE CHANGES. I'VE GOT SEVERAL MEETINGS THIS MONTH AND NEXT MONTH TO START TAKING A LOOK AT THAT. WE ARE TAKING OUR MOBILITY STORY VERY SERIOUSLY. WE REALIZE THAT THE MARKETPLACE IS THRIVING ON SMART PHONES, ON TABLETS ON iPADS, ON ANDROIDS, THE WHOLE SPACE IS GOING CRAZY AND THE EDUCATION COMMUNITY IS TRYING TO USE THAT TO DIFFERENTIATE THEMSELVES. SO PAY AN EXTRA SPECIAL ATTENTION TO SUMMER TO MAKE SURE THOSE GET ADDRESSED INDEPENDENT OF WHAT'S HAPPENING IN A MAC OR WINDOWS OR I DON'T KNOW LINE ENVIRONMENT. AND THEN WE ARE CONTINUING TO ENGAGE WITH USERS. I SEE MANY FAMILIAR FACES IN THE ROOM THAT WE'VE WORKED WITH BEFORE AND WE WANT TO CONTINUE TO ENGAGE WITH THOSE PEOPLE BUT FIND OUT WHERE ARE THEY MAKING NOISE? WE WANT A QUIET, HAPPY USER WHO IS USING OUR SOFTWARE AND IF THERE'S AN ISSUE, WE WANT THEM TO MAKE NOISE, AS WELL, AND BRING THAT UP TO US. SO JUST KIND OF A WAY OF SUMMARIZING, WE'RE SHIPPING READERS, THEY'RE COMPLIANT, BUT WE'D LOVE MORE THAN JUST COMPLIANCE. WE WOULD LOVE TO WORK WITH PARTNERS AND LOOKING FOR MORE PLACES TO WORK. WE WOULD LOVE TO WORK WHERE IT'S POSSIBLE WITH THIS GROUP, WHERE YOU WOULD LIKE US TO WORK WITH ANY OF YOUR VEHICLES OR ANYTHING WE CAN PROVIDE IN TERMS OF INPUT OR ANY OF THE PARTNERS THAT WE LICENSE OUR TECHNOLOGY TO. WE HAVE A

51

LONG-TERM RELATIONSHIPS WITH PUBLISHERS AND INDUSTRY PARTNERS THAT PERMEATE THE INDUSTRY WORLDWIDE AND CAN LEVERAGE THAT. AS PART OF INGRAM, WE'RE NOT A GARAGE COMPANY, THAT'S SORT OF SPINNING OFF A PRODUCT, VitalSource IS HEAVILY FUNDED, INTEGRAL PART OF INGRAM WHO'S AN INTEGRAL PART OF INDUSTRY AND WE FEEL LIKE REALLY THE OPPORTUNITY IS NOW FOR MAKE A CHANGE FOR HOW TEXTBOOKS CAN UTILIZE A LOT OF THINGS THAT TRADE HAS LEAD THE WAY WITH. THAT'S OUR STORY. THAT'S KIND OF WHAT WE'RE DOING. THAT'S WHO VITALSOURCE IS BEHIND THE CURTAIN AND WHERE WE'RE GOING. AND I THINK I'VE GOT A FEW MINUTES I CAN STEEL HERE AT THE END, HOPEFULLY, IF THE CHAIR ALLOWS, TO MAYBE ASK SOME QUESTIONS.

>>: YES, WE PROBABLY -- WE PROBABLY HAVE TIME FOR TWO QUESTIONS. DOES ANYBODY HAVE A QUESTION FOR RICK? JIM FRUCHTERMAN?

>>: ARE THE READERS FREE?

>>: THE READERS ARE FREE, YES.

>>: WHAT'S THE PROPORTION OF PDF VERSUS XML AND DO YOU ACTUALLY HAVE TITLES THAT HAVE BOTH?

>>: IF YOU LOOK AT THE 100,000, PROBABLY 70 PERCENT OF THEM ARE PDF BASED BUT IT'S NOT A SCAN, IT'S PDF WITH THE TEXT IN IT. THAT'S A

May 4, 2011 Transcript of Meeting

REQUIREMENT FOR BEING IN OUR FORMAT, BUT IF YOU LOOK AT OUR SELLERS, WHAT'S MOVING IN THE MARKET, IT'S 80% OF THOSE ARE THE XML TITLES. A LOT OF THAT'S BEING DRIVEN BY OUR INSTITUTIONAL PARTNERS WHO DEMAND IT FOR ACCESSIBILITY REASONS, BECAUSE IT'S JUST MORE ACCESSIBLE.

>>: AND THE LAST QUESTION IS ABOUT -- THERE'S BEEN A LOT OF TALK ABOUT FEDERATION SEARCH, THE ABILITY TO SEARCH ONE PLACE AND FIND OUT EVERYTHING THAT'S AT ALL THE PLAYERS, HOW DO YOU GUYS INTERACT WITH SEARCH?

>>: I THINK THE GREAT EXAMPLE IS WHAT ACCESS TEXT IS DOING. THEY'RE COMING OUTS WITH THEIR NEW SERVICE FOR THE TEXTBOOK FILE FINDER SERVICE, I THINK IT'S CALLED OR SOMETHING LIKE THAT. I MAY HAVE THAT SLIGHTLY WRONG. CORRECT THAT IF IT IS. BUT THERE'S A NEW SERVICE THEY HAVE WHERE A USER CAN THROUGH ACCESS TEXT SEARCH THE DIFFERENT PARTICIPANTS AND WE'LL BE FEDERATED INTO THAT SEARCH SO OUR CONTENT IS REPRESENTED IN THERE AS WELL AS WE'RE GOING TO REPRESENT WHICH FORMAT IT'S IN, SO THEY'LL KNOW IF IT'S PDF OR XML AND JUDGE THE LEVEL OF ACCESSIBILITY THEY HAVE BASED ON THAT.

>>: OKAY. THANK YOU. SORRY THAT WE'RE OUT OF TIME. THANK YOU SO MUCH FOR YOUR PRESENTATION, AND YOU'RE WELCOME TO STAY AND LISTEN, IF YOU HAVE TIME.

>>: THANK YOU VERY MUCH.

>>: THANK YOU. (applause)

52

>>: WE'RE GOING TO BE GOING INTO YOUR PRESENTATION WHICH ONE OF OUR PRESENTERS IS GOING TO BE ON THE PHONE. AND JIM WENDORF IS GOING TO TAKE OVER HERE IN JUST A MINUTE BUT I WANT TO DIRECT SKIP STAHL, COULD YOU PLEASE DOWNLOAD ONE OF THEM AT [WWW.VitalSource.COM/508](http://WWW.VitalSource.COM/508). SINCE HE REFERENCED THAT, DOWNLOAD IT AND ADD IT TO DROPBOX SO PEOPLE CAN TAKE A LOOK AT IT.

>>: I'M GOING TO TURN THIS OVER TO MY ADVICE CHAIR, JIM WENDORF.

>>: THANK YOU VERY MUCH. AND WELCOME BOTH OF YOU. THE BACKGROUND FOR THIS DISCUSSION IS THE FACT THAT REALLY OVER IN EVERY MEETING AND CERTAINLY AT A NUMBER OF TASK FORCES AS WE MOVE FORWARD WITH THE COMMISSION'S WORK, THERE'S BEEN A RECURRING THEME AND REPEATED DISCUSSION AROUND THE BENEFICIARY CLASS, AND I THINK A DESIRE TO ENTER UNDERSTAND THE CHALLENGES FACING INDIVIDUALS WITH LEARNING DISABILITIES, 75 TO 80% OF WHOM HAVE DYSLEXIA AND AS WE DISCUSSED, SOMETIMES WITHIN THE CONTEXT OF THE CHAFEE AMENDMENT, SOMETIMES IN BROADER TERMS, WE'VE COME BACK TO SOMETIMES QUESTIONS OR AT LEAST I THINK A DESIRE TO KNOW MORE ABOUT THIS PARTICULAR POPULATION AFFECTED BY PRINT DISABILITIES, AND CERTAINLY COVERED UNDER FEDERAL LAW. AND WITH THAT IN MIND, WE'VE INVITED TWO EXPERTS TO JOIN US AND TO GIVE COMMENTS AND TO TAKE OVER THE NEXT HOUR AND A HALF. AND THE FIRST IS DR. NOEL GREGG AND DR. GREGG IS CURRENTLY THE DISTINGUISHED RESEARCH PROFESSOR AT THE UNIVERSITY OF GEORGIA'S SCHOOL OR COLLEGE OF EDUCATION. DR. GREGG IS A PROLIFIC RESEARCHER AND

May 4, 2011 Transcript of Meeting

SCHOLAR AND AUTHOR OF NUMEROUS PUBLICATION AS THAT ADDRESS THE NEUROLOGY OF AND ACCOMMODATIONS FOR ADULTS WITH LEARNING DISABILITIES. AND AS GAIER HAD SAID, JOINING NOEL IS JO ANN SIMON, WHO IS WELL KNOWN TO MANY OF THE PEOPLE ON THE COMMISSION. JO ANN SIMON IS AN ATTORNEY IN PRIVATE PRACTICE IN BROOKLYN, NEW YORK, CONCENTRATING ON DISCRIMINATION AND STANDARDIZED TESTING, HIGHER EDUCATION AND EMPLOYMENT. SHE'S AN ADJUNCT ASSOCIATE PROFESSOR AT FORDHAM UNIVERSITY SCHOOL OF LAW AND IS ALSO A GRADUATE OF FORDHAM LAW SCHOOL. MISS SIMON TRIED THE CASE OF BARTLETT VERSUS NEW YORK STATE BOARD OF BAR EXAMINERS BEFORE THE US SUPREME COURT IN WHICH SHE SUCCESSFULLY SECURED AN INDIVIDUAL WITH DYSLEXIA'S REQUEST FOR REASONABLE ACCOMMODATIONS FOR THE NEW YORK STATE BAR EXAM, AND THERE'S SOME MORE RECENT ACTIVITIES THAT I'M SURE YOU'LL MENTION THAT WILL BE OF INTEREST TO ALL OF US. AND MISS SIMON ALSO SERVES AS THE ELECTED PRESIDENT OF THE NEW YORK CITY BRANCH OF THE INTERNATIONAL DYSLEXIA ASSOCIATION, SISTER ORGANIZATION OF MY OWN GROUP, THE NATIONAL CENTER FOR LEARNING DISABILITIES. SO WE WELCOME BOTH OF YOU. AND WE THOUGHT THAT IT MIGHT MAKE SENSE TO START OFF WITH THE SCIENCE, AND TO HEAR FROM DR. GREGG AND THEN WE'LL HEAR FROM JO ANN SIMON. THE FLOOR IS YOURS.

>>: HOW ARE WE DOING THIS, DO YOU HAVE A POWERPOINT IN FRONT OF YOU?

53

>>: WE DO. WE HAVE YOUR POWERPOINT AND YOU CAN CUE US AND THE PAGES WILL BE TURNED.

>>: OKAY. SO WHEN I SAY NEXT, THAT WILL BE THE NEXT SLIDE, RIGHT?

>>: YES.

>>: OKAY. NEXT. ONE OF THE THINGS THEY ASKED ME TO TALK ABOUT A LITTLE BIT TODAY WAS TO TALK A LITTLE BIT ABOUT WHAT IS THIS THING CALLED LD OR DYSLEXIA, AND THEN TO DO VERY QUICK OVERVIEW OF SOME OF THE NEUROLOGICAL AND GENETIC EVIDENCE THAT WE HAVE AND HOW THAT RELATES TO COGNITIVE PROCESSING AND THEN FROM THAT TO ACCOMMODATIONS AND TESTING. SO THIS IS A LOT TO DO IN A VERY SHORT TIME AND I KNOW JOANNE, I'M TRYING TO BE VERY SENSITIVE TO HER TIME, SO HOPEFULLY THE POWERPOINT, YOU CAN HAVE A COPY AND WE CAN GO BACK TO THAT, BECAUSE I'M GOING TO GO PRETTY QUICKLY THROUGH IT. ONE OF THE FIRST THINGS THAT WAS -- I THINK DAVE MENTIONED TO ME, THE ISSUE OF, YOU KNOW, SOME CONCERN ON THE GENERAL PUBLIC IS LEARNING DISABILITIES REALLY A CONDITION, IS IT A DISABILITY, IS THAT A MYTH OR A FACT? IT'S SOMETHING WE ALL DEAL WITH EVERY DAY, AS WE TALK TO PEOPLE WHO DO NOT -- ARE MORE SCIENTIFICALLY I WILL LITERATE AND MAY NOT HAVE AVAILABILITY TO THE RESEARCH, BUT THERE'S NO QUESTION THAT IT IS A CONDITION, AND WE HAVE NEUROLOGICAL AND GENETIC -- NOT GENETIC BUT NEUROLOGICAL EVIDENCE TO HELP US UNDERSTAND THAT. AND I'LL TRY TO TALK ABOUT THAT. IN THE AREA OF ADHD, WE HAVE THE SAME KINDS OF CONCERNS AND ALSO BARTLETT HAS DONE A LOT TO TALK ABOUT THAT UNFORTUNATE MYTH THAT SEEMS TO BE OUT THERE. LET'S GO TO THE NEXT ONE. I WANT TO ALWAYS PUT EVERYTHING I'M SAYING TODAY IN THE CONTEXT OF THE INDIVIDUALS THAT WE SERVE AND THE INDIVIDUALS WE WORK WITH ON A DAILY BASIS AND I'VE USED MAXINE AS AN EXAMPLE TO BEGIN WITH BECAUSE SHE'S A PRO FOIL THAT MANY OF YOU KNOW VERY WELL. SHE'S TRANSITIONING FROM HIGH SCHOOL INTO POST SECONDARY. SHE HAS RECEIVE SITS IN THE AREA OF PHONEMIC AND ORTHOGRAPHIC

AND THOSE REQUIRE HER TO NEED ADDITIONAL TIME AND USE E TEXT AND WORD PROCESSORS. ALSO OTHER COGNITIVE DEFICITS GIVE THE FOUNDATION FOR THE NEED FOR SUBSTITUTION IN FOREIGN LANGUAGES. NOW, THE MAXINES OF THE WORLD, SOME OF THEM HAVING COME WITH A DIAGNOSIS OF LEARNING DISABILITIES AND SOME OF THEM HAVE NOT BEEN DIAGNOSED UNTIL THEY GO INTO COLLEGE BECAUSE THE MORE HIGH FUNCTIONING THE INDIVIDUAL IS, SOMETIMES THE MORE DIFFICULT OUR PROCESSES IN OUR SCHOOL SYSTEMS ARE TO DOCUMENT THAT AND TO SUPPORT THOSE KIND OF ACCOMMODATIONS. BUT NONETHELESS, SHE IS AN INDIVIDUAL WITH A DISABILITY. NEXT. NOW, WHAT I'D LIKE TO REITERATE AND THAT IS THAT THE RESEARCH THAT WE KNOW ABOUT LEARNING DISABILITIES IS THE RESEARCH THAT ONE LOOKS AT ACROSS THE LIFE SPAN AND HOW SOMEONE LOOKED WHEN THEY WERE IN FIRST GRADE AND PRESCHOOL. SOME OF IT ARE SIMILAR BEHAVIORS AND SOME OF THOSE BEHAVIORS LOOK DIFFERENT AS THE PROCESS OF

54

THE BRAIN DEVELOPS, AS LIFE EXPERIENCES GO ON. SO HOW ONE LOOKS AND READ IN FIRST OR SECOND GRADE IS NOT GOING TO LOOK THE SAME AS AN ADULT, AND UNLESS THESE PROFESSIONALS INVOLVED IN THE DIAGNOSIS UNDERSTANDS THE ADOLESCENT OR ADULT POPULATION THEY CAN MISS SOME VERY IMPORTANT CUES. THE OTHER THING TO REMEMBER DEVELOPMENTALLY IS THIS IS A CONDITION THAT'S DEVELOPMENTAL AND THE SYMPTOMS ARE NOT STATIC STATE. IN OTHER WORDS, AGAIN, THE WAY THAT WE WOULD IDENTIFY AND LOOK AT IT AS A CHILD THAT SAME CRITERIA DOES NOT SPECIFICALLY APPLY WHEN YOU GET TO BE AN ADULT. WE HAVE TO LOOK AT AGE RELATIVE THRESHOLDS AND SOMETIMES OUR ASSESSMENT NORMS ARE NOT AS SENSITIVE TO SOME OF THIS AGE RELATIVE THRESHOLD THAT WE NEED IN A DIAGNOSIS. THE ISSUE OF VALID DIAGNOSIS IS AT THE HEART OF LEARNING DISABILITIES. WE HAVE A LOT OF PEOPLE DOING DIAGNOSIS. SOMETIMES THEY'RE USING VERY VALID INSTRUMENTS AND SOMETIMES THEY'RE NOT. AND.

>>: LOT OF INFERENCES ARE MADE OFF OF STANDARDIZED INSTRUMENTS AND I'M GOING TO COME BACK TO THAT, BECAUSE NOW THAT WE'RE IN THE DIGITAL WORLD, THE ISSUE OF PREDICTING BEHAVIOR OFF OF OUR CURRENT ASSESSMENT TOOLS IS A LITTLE RISKY. THE OTHER ASPECT THAT -- THAT IS INVOLVED IN THE ASSESSMENT AND THAT IS HOW DO WE OPERATIONALLIZE WHAT WE KNOW ABOUT LEARNING DISABILITIES FOR POLICY AND PROCEDURES. IN OTHER WORDS, DO WE USE DISCREPANCY MODELS, CUT OFF MODELS OR INTEGRATED MODELS? WE HAVE RESEARCH THAT SHOWS A DISCREPANCY MODELS ARE NOT THE MOST EFFECTIVE WAY WHEN THEY'RE JUST LOOKING AT DISCREPANCY. CUT OFF IS NOT EFFECTIVE WHEN IT'S JUST A CUT OFF. FOR INSTANCE, ANYONE PERFORMING BELOW THE 16TH PERCENTILE ON A READING MEASURE CANNOT BE DIAGNOSED WITH LEARNING DISABILITY WOULD BE A CUT OFF METHOD. WHAT WE DO KNOW IS THE MOST VALID MODEL THAT WE HAVE OUT THERE OR WHEN WE LOOK AT ALL OF THESE THINGS TOGETHER, BOTH DISCREPANCY AND THE CUT OFF. NEXT? NOW I'M GOING TO PUT ALL THIS TODAY IN CONTEXT OF QUESTIONS TO SUPPORT THIS KIND OF DIAGNOSTIC DECISION MAKING, AND JOANNE'S GOING TO DEAL WITH A LOT OF WHAT I HAVE UP HERE BUT I WANT TO GO THROUGH IT. WHEN WE ARE LOOKING AT SOMEONE WITH A DIAGNOSIS OF LEARNING DISABILITIES, WE AGAIN HAVE TO GO BACK TO THAT PROFESSIONAL, ARE THEY OPERATING OFF OF BEST PRACTICE, OFF OF CURRENT RESEARCH, OR IS THIS -- WERE THEY TRAINED AT A TIME 10, 15, EVEN FIVE YEARS AGO WHERE WE HAD LIMITED UNDERSTANDING OF SOME OF THE COGNITIVE PROCESSING AND NEUROLOGICAL RESEARCH THAT WE HAVE TODAY? THEN WE HAVE UNDER ADA LOOK AT IS THE CONDITION -- DO WE HAVE THE DURATION? IN OTHER WORDS, HAS THIS BEEN A LEARNING DISABILITY THAT WE HAVE BEEN ABLE TO LOOK AT ACROSS THE

LIFE SPAN? NOW, THAT DOES NOT MEAN THAT THE LEARNING DISABILITY WAS DIAGNOSED EARLY ON, BUT THE BEHAVIORS COULD BE TRACKED BACK, SO WHEN YOU

55

LOOK AT THEIR CASE HISTORY, WE ASK QUESTIONS OF WHAT WAS IT LIKE IN PRESCHOOL ALL THE WAY THROUGH. SO THE DURATION, THEN THE CONDITION HAS TO BE DIAGNOSED. IS THIS SOMETHING IN THE AREA OF READING, MATH, WRITTEN LANGUAGE, AND THE MANNER. WAS IT MOVER A SKILL, A FLUENCY, A COMBINATION OF ALL OF THOSE. SO THE DURATION, THE CONDITION, AND THE MANNER ARE THE HEART OF ADA AND THE HEART OF WHAT JOANNE WILL BE TALKING ABOUT. IN ASSESSMENT, WE ALSO THEN HAVE TO SAY, OKAY, THAT DURATION, CONDITION, AND MANNER, WHAT COGNITIVE PROCESSING AND LINGUISTIC PROCESSES ARE CONTINUING TO OUR UNDERSTANDING OF WHY THAT INDIVIDUAL IS HAVING DIFFICULTY IN SOME AREA OF LITERACY? NOW, CONNECTED TO THAT -- SOMETIMES -- WHAT ARE THE AFFECTED PROCESSES THAT A DIAGNOSTICIAN MUST BE LOOKING AT. THE ISSUE OF CO-MORBIDITY, WHETHER IT'S ADHD OR ANXIETY OR DEPRESSION ARE VERY HIGH AMONG DIFFERENT KINDS OF DEVELOPMENTAL DISORDERS AND WE HAVE TO BE ABLE TO UNDERSTAND HOW THAT COULD BE AFFECTING THE APPROPRIATE USE OF ACCOMMODATIONS OR THE APPROPRIATE USE OF THE ASSESSMENT TOOLS THAT ARE CHOSEN. AND THEN HOW DOES THAT 1 THROUGH 6 FEED INTO DIAGNOSIS OR ACCOMMODATIONS? OKAY. NEXT. NOW, THE TWO -- THE DEFINITION OF LEARNING DISABILITIES IS NOT SPECIFIC UNDER AD A. THE COMMON VERY USEFUL DEFINITION IS THAT BY THE NATIONAL JOINT COMMITTEE ON LEARNING DISABILITIES. I ONLY POINT IT OUT HERE TO REITERATE THAT LEARNING DISABILITIES IS A GENERIC TERM THAT'S USED TO REFER TO A HETEROGENEOUS GROUP OF DISORDERS. THEY CAN AFFECT DIFFERENT AREAS OF LEARNING LIKE LISTENING, SPEAKING, READING, WRITING, REASONING. NEXT, WE HAVE TO ZERO IN ON ONE TYPE OF LEARNING DISABILITY AND THAT'S REFERRED TO AS DYSLEXIA. THAT REFERS TO THE DIFFICULTY WITH LEARNING HOW TO READ. AND IN DYSLEXIA, THE DEFINITION QUITE OFTEN USED IS THE ONE BY THE INTERNATIONAL DYSLEXIA ASSOCIATION THAT NICHD USES AS ITS DEFINER OF READING DISORDERS, AND IN THIS ISSUE, DYSLEXIA IS CHARACTERIZED BY DIFFICULTIES WITH ACCURATE OR FLUENT WORD RECOGNITION AND POOR SPELLING AND DECODING ABILITIES. AND THOSE ABILITIES OFTEN THEN IMPACT THE AREAS OF READING COMPREHENSION. SO JUST SO WE'RE ALL SORT OF ON THE SAME TRACK, I WANTED TO REFER TO BOTH OF THOSE. NOW, THE BEHAVIORS -- YOU GET OUT OF DEFINITIONS AND GET BACK INTO WHAT BEHAVIORS LOOK LIKE, I'M GOING TO REFER TO SOME OF THE DESCRIPTORS THAT SALLY SHAYWITZ HAS PROVIDED IN HER TEXT. IT'S A LOT OF CHARACTERISTICS THAT YOU KNOW, BUT THEY'RE CHARACTERISTICS WHEN WE THINK ABOUT ASSESSMENT ARE EXTRAORDINARILY IMPORTANT. YOU ALSO SEE MISPRONUNCIATION OF NAMES. I HAD TO MAKE IT REAL. DIFFICULTY REMEMBERING NAMES, WORD FINDING PROBLEMS, DIFFICULTY WITH LANGUAGE, PARTICULARLY SPOKEN VOCABULARY, A HISTORY OF READING AND LISTENING PROBLEMS, VERY

56

OFTEN LACK OF FLUENCY IN READING, OFTEN THESE INDIVIDUALS ARE EMBARRASSED BY READING OUT LOUD, SO THEY TEND NOT TO -- THIS THEY HAVE TROUBLE READING OR PRONOUNCE BE UNCOMMON NAMES. NEXT? THEY HAVE PERSISTENT READING PROBLEMS AND THAT LOOKS DIFFERENT, AGAIN, ACROSS THE LIFE SPAN. THEY HAVE DIFFICULTY WITH NONWORDS. AND THE NEXT TWO ARE VERY, VERY IMPORTANT. THEY OFTEN HAVE EXTREME FATIGUE FROM READING, BECAUSE THE READING PROCESS IS SO DIFFICULT. AND WHILE THEIR ACCURACY MAY INCREASE

OVER THEIR LIFE SPAN, THE -- THEIR NEED FOR EXTRA TIME AND THEIR SLOWNESS IN READING IS OFTEN A HALL MARK OF THIS GROUP OF INDIVIDUALS. AND SPELLING OFTEN TENDS TO BE A COMMON CHARACTERISTIC THAT YOU SEE. AND MANY OF THEM ARE NOT AS INTERESTED IN READING FOR PLEASURE. SOME OF THEM ARE AND WE HAVE A LOT OF DIFFERENT WAYS OF READING. WITH THE DIGITAL WORLD, SO THAT CHARACTERISTIC MAY NOT BE QUITE AS ACCURATE AS IT USED TO BE WHEN WE THOUGHT OF MORE PAPER-BASED PRINT. I WAS ASKED TO TALK A LITTLE BIT ABOUT THE NEUROLOGICAL RESEARCH THAT WE HAVE, AND THERE'S NO WAY TO -- I CAN GIVE JUSTICE TO THIS IN THE SHORT PERIOD OF TIME THAT WE HAVE, BUT TO REITERATE, THERE IS A LOT OF RESEARCH OUT THERE. I JUST SAT ON A PANEL OF THE NATIONAL ACADEMY OF SCIENCE IN WHICH WE WERE FOCUSED ON LOOKING AT ISSUES OF ADULT LITERACY AND INTERVENTION FOR INDIVIDUALS THAT WERE HAVING DIFFICULTY WITH READING, AND I CAN DEFINITELY SAY TO YOU THERE IS A LOT MORE RESEARCH OUT THERE THAN THE PUBLIC SEEMS TO BE AWARE OF. THE DIFFERENT NEUROPATHWAYS FOR READING, WE HAVE RESEARCH IN THE DIFFERENT AREAS LISTED UP THERE. SINCE WE DON'T HAVE MUCH TIME, I'M GOING TO GIVE YOU A COUPLE VISUALS. THIS IS WORK OF EDEN AND HER GROUP, GEORGE WASHINGTON, AND IT'S WORK WHERE THEY LOOKED AT PMONEMIC DELETION TASKS. VERY QUICK, INDIVIDUALS WITH DYSLEXIA ARE ON THE BOTTOM PART, AND IF YOU LOOK ON THE LEFT HEMISPHERE AREA, YOU WILL SEE THREE VERY COMMON AREAS WHICH WE HAVE A LOT OF RESEARCH THAT IS SHOWING NEUROLOGICAL DIFFERENCES IN DIFFERENT TYPES OF READERS. THE INDIVIDUALS WITHOUT DYSLEXIA USE THE OCCIPITAL TEMPORAL AREA. I CAN'T POINT IT OUT TO YOU, BUT IT WOULD BE THAT TOP LEFT SIDE WHERE YOU'RE LOOKING AT THE INFERIOR PARIETAL AND ON THE FRONT PART THE INFERIOR FRONTAL AREA. THOSE AREAS READERS WITHOUT DYSLEXIA TEND TO USE DURING THE READING PROCESS. IF YOU LOOK AT THE GROUP WITH DYSLEXIA AT THE BOTTOM, THAT IS NOT AS VIVID FOR THEM, AND A LOT LESS OF THE ACTIVITY IS GOING ON IN THERE. SO DEPENDING ON THE READING TASK, WE DO HAVE LOTS OF EVIDENCE TO INDICATE THAT THERE ARE DIFFERENCES NEUROLOGICALLY IN INDIVIDUALS WITH AND WITHOUT DYSLEXIA. LET'S GO TO THE

57

NEXT SLIDE. THIS IS WORK OUT OF SHAYWITZ AND THEY LOOKED AT INDIVIDUALS WITH DYSLEXIA WHO HAD RECEIVED INTERVENTION, AND BASICALLY WHAT THIS INFORMATION INDICATES TO YOU IS THAT AFTER SOMEBODY HAS RECEIVED -- AN ADULT HAS RECEIVED INTERVENTION, REMEDIATION, WHATEVER YOUR WORD IS FOR IT, THAT THE -- WE DO SEE POROSITY IN THE BRAIN. IN OTHER WORDS, DIFFERENT AREAS OF THE BRAIN ARE BEING ACCESSED DIFFERENTLY BECAUSE THEY -- THESE INTERVENTION HAS HELPED THE INDIVIDUAL PROCESS INFORMATION A LITTLE DIFFERENTLY. NOW, HOWEVER, THAT DOES NOT MEAN THAT THE LEARNING DISABILITY GOES AWAY OR THE DYSLEXIA GOES AWAY, IT SIMPLY MEANS THAT THE PLASTICITY OF THE BRAIN IS BEING HELPED THERE. WHILE THE INDIVIDUAL MAY BE ABLE TO READ AND DIFFERENT AREAS ARE BEING ACCESSED DIFFERENTLY NEUROLOGICALLY, IT DOESN'T MEAN THEY'RE ACCESSING QUICKLY AND IT DOESN'T MEAN WHEN GIVEN ANOTHER TYPE OF READING TEST, IT WILL BE ABLE TO DO IT, BUT IT DOES GIVE US A LOT OF HOPE AND SUPPORT THAT INTERVENTION AND ACCOMMODATION CAN MAKE SOME DIFFERENCES IN THE AUTOMATICITY IN THE INDIVIDUAL'S ABILITY TO READ. NEXT, OVERALL, THIS IS WHAT I WOULD SUMMARIZE WHAT ARE THE NEUROLOGICAL AND GENETIC EVIDENCE THAT WE HAVE RIGHT NOW, IS THAT THERE'S UNDER ACTIVE OR OVER ACTIVE SPECIFIC BRAIN REGIONS WHEN AN INDIVIDUAL HAS DYSLEXIA. THE LEFT POSTERIOR REGIONS ARE UNDER ACTIVATED FOR THESE INDIVIDUALS, AND THE LEFT FRONTAL REGIONS ARE OVER ACTIVATED, WHICH IS ACTUALLY WHAT YOU SAW IN ONE THOSE SLIDES. THE

OTHER WHAT WE DO KNOW ABOUT THE RESEARCH IS THAT THERE ARE SUBGROUPS OF DYSLEXIA IN THE SENSE OF THOSE INDIVIDUALS WHO HAVE RECEIVED INTERVENTION OR COMPENSATORY STRATEGY ARE MORE ACCURATE BUT NOT AS FLUENT. AGAIN, SPEED CONTINUES TO BE A DIFFICULTY FOR THEM IN READING. AND WE HAVE A GROUP OF PERSISTENTLY POOR READER THAT IS DESPITE STRATEGIES THAT WE KNOW HELP IN READING, THESE INDIVIDUALS NEVER SEEM TO BE ABLE TO BE ABLE TO ACCESS IN A WAY SO THAT THEY BOTH HAVE ACCURACY AND FLUENCY. AND THE DIFFERENCES ACROSS THOSE SUBGROUPS, WE SEE THE EFFECTIVENESS OF CERTAIN ACCOMMODATIONS, WE SEE OUTCOME DATA BEING VERY DIFFERENT. SO, AGAIN, EVEN WITHIN THE GROUP -- SUBGROUP OF LEARNING DISABILITIES OF INDIVIDUALS WITH DYSLEXIA, YOU HAVE MANY DIFFERENT SUBGROUPS WITHIN THAT GROUP. SO NOT EVERYTHING WORKS WITHIN ONE SUBGROUP. I WOULD ALSO NOTE FROM THE NEUROLOGICAL AND GENETIC INFORMATION THAT WE HAVE, THE SIGNIFICANT COGNITIVE PROCESSES, WE DO SEE THE BEHAVIOR OF THOSE DEFICITS THAT I WILL MENTION IN A SECOND. WE KNOW FROM PARTICULARLY THE GALABURDA, THE ROLE OF GENETICS AND ENVIRONMENT DO PLAY A ROLE. WE KNOW THERE'S A STRONG GENETIC LINK BUT NOT EVERYBODY WHO HAS A LEARNING DISABILITY OR DYSLEXIA IS IT GENETICALLY TRANSMITTED BUT THERE IS A HIGH PROBABILITY OF THAT. AND IF YOU GO TO THE NEXT SLIDE, THERE'S A LOT OF RESEARCH, PARTICULARLY FROM THE COLORADO GROUP ABOUT -- FROM THE TWIN STUDIES IN WHICH A LOT OF THIS GENETIC INFORMATION HAS COME. NOW, THE GENETIC MARKERS, WHY I HESITATED AT THE BEGINNING, WE STILL DON'T HAVE STRONG GENETIC MARKERS BUT THERE IS

58

A LOT OF RESEARCH GOING ON THROUGHOUT NICHD TRYING TO IDENTIFY THOSE GENETIC MARKERS WITH LEARNING -- WITH DYSLEXIA. IN SUMMARY FOR THE GENETIC, WHAT I COULD SIMPLY SAY IS THE MAJOR COMPONENTS OF THE READING CIRCUIT DIFFERENCES IN BOTH BRAIN STRUCTURE AND FUNCTION FOR INDIVIDUALS WITH DYSLEXIA HAVE BEEN NOTED WITHIN AND BETWEEN THE CIRCUIT COMPONENTS WITH A LOST RESEARCH USING A LOT OF THE MODERN IMAGING TECHNIQUES, AND THE IMAGING TECHNIQUES ARE IMPROVING BY THE DAY, AS ALL SCIENCE IS, SO WE'RE LEARNING MORE AND MORE. IN THE AREA OF DYSLEXIA, IN THE CONDITION OF LEARNING DISABILITIES, IS THE AREA THAT HAS RECEIVED THE MOST FOCUS, ALTHOUGH I WILL SAY THE AREAS OF MATHEMATICS ARE BEGINNING TO DO A LOT MORE IN THAT AREA. WRITTEN LANGUAGE HAS RECEIVED LESS ATTENTION WITH THE EXCEPTION OF SPELLING. AND THAT'S REALLY MORE BECAUSE IT'S A LITTLE MORE COMPLICATED TO -- FOR THESE RESEARCHERS AND THEY NEED A STRONGER FOUNDATION IN THE OTHER AREAS. THE DIFFERENT PROCESSING AREAS THAT -- AS I MENTIONED THAT ARE AN OUTCOME OF THESE NEUROLOGICAL DIFFERENCES IS A VERY LARGE BASE OF RESEARCH IN THE AREA INDICATING THAT INDIVIDUALS WITH DYSLEXIA DEMONSTRATE PHONEMIC PROBLEMS ALL THE WAY FROM CHILDHOOD THROUGH ADULTHOOD AND THIS IS THE PHONEMIC AWARENESS OF THE SOUNDS OF WORDS. ABSOLUTELY ESSENTIAL FOR THE DECODING AND SPELLING ABILITIES. INDIVIDUALS IF THEY BECOME ADULTS CAN STILL -- THEY CAN LEARN HOW TO BREAK SOME OF THOSE SOUNDS DOWN BETTER, BUT THEY'RE NEVER USUALLY VERY FLUENT OR FAST WITH THE ABILITY TO DECODE WORDS. NEXT, ANOTHER COGNITIVE PROCESS IS ORIGIN GRAPHIC PROCESSING. AND THIS IS THE ABILITY TO PERCEIVE AND RECALL THE LETTERS, THE SYMBOLS FROM THOSE SOUNDS. THERE HAS BEEN A LOT OF DEBATE IN THE RESEARCH OF WHETHER THESE ARE ACTUALLY TWO CONSTRUCTS. THERE'S ENOUGH RESEARCH NOW PARTICULARLY WITH THE ADULT POPULATION TO SAY THAT THESE ARE TWO CONSTRUCTS. AND THE REASON IT'S A LITTLE DIFFICULT FOR RESEARCHERS TO KNOW THAT DIFFERENCE IS THERE'S A LOT OF CO-LINEARITY IN THE ASSESSMENT TOOLS USED TO DEFINE PHONEMIC AND ORTHO GRAPHIC. THERE'S A

LOT OF GOOD DATA TO SHOW THOSE ARE TWO DIFFERENT CONSTRUCTS AND TYPES OF PROCESSES THAT WE SEE WITH ADULTS WITH DYSLEXIA. THE RAPID AUTOMATIZED NAMING IS A PROBLEM WE SEE OFTEN IN INDIVIDUALS WITH DYSLEXIA. THERE'S MORE CONTROVERSY OF WHETHER THIS STANDS ALONE, BUT THE ABILITY TO RAPIDLY NAME LETTERS, WORDS, NUMBERS, THAT BEHAVIOR IS DEFINITELY, BEGIN, A COMMON CHARACTERISTIC THAT WE SEE. NEXT, ANOTHER COGNITIVE PROCESS THAT WITHIN THE LAST FIVE YEARS A LOT OF ATTENTION HAS BEEN GIVEN TO AND THAT'S MORPHEMIC AWARENESS. THIS IS THE ABILITY FOR INDIVIDUALS WITH LANGUAGE DISORDERS TO BE ABLE TO HEAR AND DETECT AND USE INFLECTIONS ON WORDS, COMPOUND WORDS. IT HAS A SIGNIFICANT IMPACT ON READING AND WRITING, AS YOU CAN WELL IMAGINE, AND IS BECOMING ONE OF THE VERY COMMON CHARACTERISTICS THAT WE SEE WITH INDIVIDUALS WITH DYSLEXIA. WE DON'T HAVE

59

GOOD INSTRUMENT DIAGNOSTICALLY TO DO THIS, SO THE TESTS THAT ARE USED ARE EITHER INFORMAL MEASURES THAT HAVE DEVELOPED FROM RESEARCH OR THEY ARE CLINICAL OBSERVATIONS OF -- BY PSYCHOLOGISTS, BUT THERE'S VERY STRONG RESEARCH TO SUPPORT THIS AS A COMMON PROBLEM. .FROM THE ORTHO GRAPHIC, THE PHONEMIC AND ORIGIN GRAPHIC PROBLEMS, WHAT WE SEE IN INDIVIDUALS AS THEY GET OLDER, THEY GET MORE ACCURATE, BUT THEY CONTINUE TO HAVE LOTS OF DIFFICULTY WITH FLUENCY AND SPEED AND WE SEE THIS CONSISTENTLY. GIVEN EXTRA TIME, THERE'S RESEARCH ON SOME OF OUR TESTS TO INDICATE THAT THEIR SCORES ARE SIGNIFICANTLY IMPROVED WHEN TIME IS NOT THE VARIABLE FOR ASSESSMENT.

>>: NEXT, ANOTHER COGNITIVE PROCESSING AREA THAT IS INVOLVED IN SOME OF THESE OTHERS IS THE AREA OF VERBAL WORKING MEMORY. THERE'S A LOT OF RESEARCH BEING DONE BY BERINGER AND SWAN SON WHICH INDICATES THAT VERBAL WORKING MEMORY IS A VERY SIGNIFICANT PROCESSING DEFICIT FOR THIS POPULATION. SWAN SON IS ONE WHO THINKS THERE'S A SPECIFIC TYPE OF VERBAL WORKING MEMORY THAT YOU SEE WITH AWARENESS PROBLEMS AND THEN A GENERAL WORKING MEMORY IN WHICH ATTENTION AND EXECUTIVE FUNCTIONING CAN BE GOING ON AND SOMETIMES YOU HAVE BOTH SPECIFIC AND GENERAL VERBAL WORKING MEMORY PROBLEMS OR SOMETIMES YOU HAVE ONLY SPECIFIC. AND, AGAIN, DURING DIAGNOSTIC ASSESSMENT AND IN PSYCHOLOGISTS WOULD BE LOOKING AT THIS ISSUE, BECAUSE IT HAS A LOT OF IMPACT ON BOTH READING DECODING AND READING COMPREHENSION, AND THEN ALL THE OTHER AREAS OF ACHIEVEMENT THAT THESE INDIVIDUALS WITH R WORKING WITH IN THEIR DAILY LIFE. WORD RETRIEVAL AND WORD FINDING, WE TALKED ABOUT THIS FOR YEARS BUT WE'RE JUST BEGINNING TO GET SOME REALLY GOOD RESEARCH TO SHOW THAT THIS IS A VERY COMMON TYPE OF PROBLEM FOR ADULTS AND ADOLESCENTS AND IT IS A SUBTLE KIND OF WORD RETRIEVAL AND WORD FINDING PROBLEMS, SO IT'S VERY EASY UNLESS YOU HAVE TRAINING IN COMMUNICATION DISORDERS TO MISS SOME OF IT. HOWEVER, WHAT YOU DO SEE ARE THE SYMPTOMS THAT I'VE MENTIONED EARLIER IN WHICH THESE INDIVIDUALS WITH DYSLEXIA WILL TEND NOT TO TALK AS MUCH, THEY'LL BE QUIETER, THEY WON'T DO ORAL READING BECAUSE THEY CAN'T REMEMBER THE WORDS. THE DIFFICULTY OF RECALLING WORDS UPON RETRIEVAL IMPACTS THEM SOCIALLY AND DEFINITELY IMPACTS THEM ACADEMICALLY. BUT WE NEED OUR PSYCHOLOGISTS TO BE A LITTLE MORE TRAINED IN LANGUAGE DISORDERS TO BEGIN TO PINPOINT THIS BECAUSE IT HAS, AGAIN, WILL RELATE TO THE TYPES OF ACCOMMODATIONS THAT WE ARE USING. I'M GOING TO COME BACK TO AN INDIVIDUAL, AGAIN, BECAUSE I DON'T WANT US TO LOSE SITE OF WHO WE'RE TALKING ABOUT. LAWANA IS A STUDENT DIAGNOSED IN SECOND GRADE AND I COME

FROM AN AREA OF THE WORLD IN WHICH QUITE OFTEN MANY POPULATIONS HAVE NOT BEEN IDENTIFIED WITH DYSLEXIA AS MUCH, SO THIS IS A VERY SIGNIFICANT AREA OF THE BRAIN, WHOLE CULTURAL ISSUES, THE ASSESSMENT PROCESS. BUT LAWANA WAS ONE OF THE LUCKY ONES WHO WAS IDENTIFIED EARLY ON. SHE WAS ATTENDING A COMMUNITY COLLEGE AT THE TIME I MET HER AND I BRING HER UP BECAUSE SHE HAS EXTRAORDINARILY GREAT ORAL COMPREHENSION AND LISTENING ABILITIES THAT YOU SEE UP THERE. HER MOTHER READ HER SHAKESPEARE, THE BIBLE, POETRY, AND

60

SHE COULD UNDERSTAND IT AND LOVES IT. BUT SHE COULDN'T READ IT AS WELL. THE DIFFICULTY WAS THAT SHE HAD NOT HAD A LOT OF ACCESS TO TECHNOLOGY AND CERTAIN MEDIA AND WAS HAVING STRUGGLING IN THE COMMUNITY COLLEGE NOT FOR HER ABILITY TO UNDERSTAND LANGUAGE BUT HER ABILITY TO ACCESS IT THROUGH PRINT MEDIA AND UNFORTUNATELY THIS IS STILL A PROBLEM AND WE'RE SO LUCKY THAT MANY OF YOU -- ALL OF YOU ARE DEALING WITH THIS ISSUE. NOW, LAWANA IS, AGAIN, AN INDIVIDUAL THAT WE WOULD IDENTIFY AS HAVING DYSLEXIA. I'M GOING TO TAKE YOU THROUGH A DECISION MAKING TREE BECAUSE I THINK THIS IS THE QUICKEST AND FASTEST WAY FOR ME TO PULL IN THE DIFFERENT AREAS OF ASSESSMENT AND RESEARCH THAT WE KNOW WHEN WE GO INTO THE ASSESSMENT OF AN INDIVIDUAL. IF WE ARE ASSESSING AN INDIVIDUAL AND WE THINK THERE IS A POSSIBILITY OF READING PROBLEMS, THE FIRST QUESTION THAT ONE HAS TO ASK ANDS THAT HAS THAT PERSON BEEN EXPOSED TO DIFFERENT TYPES OF PRINT? MANY OF OUR ASSESSMENT TOOLS ONLY USE -- ASSESS A CERTAIN TYPES OF GENRE. THEY MAY NOT BE DOING PROS OR DOCUMENTS. AND THEY MAY GET A VERY DIFFERENT TYPE OF OUTCOME WHEN LOOKING AT THAT FROM A DIAGNOSTIC PERSPECTIVE. THE OTHER SIDE OF THAT HAS THE PERSON BEEN EXPOSED TO E TEXT, DIFFERENT TYPES OF FONT, ELECTRONIC VERSUS PAPER TYPE OF READING. LET'S ASSUME AN INDIVIDUAL LIKE LAWANA HAS BEEN EXPOSED. IF YES IS THE ANSWER, THEN WE KNOW THE RESEARCH FOR HELPING TO ACCOMMODATE INDIVIDUALS WITH DECODING PROBLEMS. BUT SOMETIMES PEOPLE HAVE DECODING PROBLEMS AND IT'S NOT JUST PHONEMIC AND ORIGIN GRAPHIC. IT MAY BE DOWN TO QUESTION NUMBER 3 AND WORKING MEMORY, DIFFERENT TYPES OF WORKING MEMORY, ATTENTION, WORD KNOWLEDGE COULD BE PLAYING INTO THE DECODING. SO, AGAIN, JUST BECAUSE SOMEBODY DOES NOT IDENTIFY PHONEMIC AWARENESS AS A DEFICIT DOES NOT MEAN THE INDIVIDUAL DOES NOT HAVE SOME KIND OF READING DISORDER. ALL RIGHT. NEXT SLIDE. NOW, I'M NOT GOING TO GO INTO THIS, BUT THERE IS RESEARCH AND THIS IS SIMPLY THE EVIDENCE-BASED READING, DECODING ACCOMMODATIONS THAT WE KNOW OF THAT WE HAVE RESEARCHED TO SUPPORT INDIVIDUALS WHO DO HAVE DECODING TYPES OF PROBLEMS. I'M GOING TO NOW RUN THROUGH READING COMPREHENSION. LET'S SAY WE HAVE AN INDIVIDUAL WHO HAS DYSLEXIA, BUT WE'RE ALSO CONCERNED WITH THEIR READING COMPREHENSION. WE WOULD START WITH THE SAME KINDS OF QUESTIONS. HAVE THEY BEEN EXPOSED TO DIFFERENT TYPES OF PRINT, BOTH GENRE AND GRAPHIC FEATURES? DO THEY -- QUESTION NUMBER 2 -- HAVE A DECODING PROBLEM AND THAT'S WHY THEY HAVE DIFFICULTY WITH READING COMPREHENSION. BUT NOT EVERYBODY WITH DYSLEXIA HAS DECODING PROBLEMS. THEY MAY HAVE OTHER TYPES OF COGNITIVE OR LINGUISTIC PROCESSING THAT WE KNOW BY RESEARCH AFFECTS READING COMPREHENSION. AGAIN THEY MAY

61

HAVE LISTENING COMPREHENSION, LANGUAGE DISORDERS, THEY MAY HAVE LONG-TERM MEMORY, EXECUTIVE FUNCTIONING, ET CETERA, THAT WE WILL DIAGNOSE AND FIND THAT THEY THEN NEED DIFFERENT TYPES OR COMBINATIONS OF ACCOMMODATIONS BASED ON THAT. THE OTHER BIG BODY OF RESEARCH THAT'S OUT THERE THAT WE --

## May 4, 2011 Transcript of Meeting

AN EVALUATOR NEEDS TO BE INFORMED ON AND THAT IS WHAT DO WE KNOW ABOUT THEIR COGNITIVE STRATEGIES AND WE KNOW FROM THE RESEARCH THERE ARE CERTAIN STRATEGIES THAT AFFECT READING COMPREHENSION. AN EVALUATOR WOULD WANT TO LOOK AT THAT. SOMEBODY TAKING ACCOMMODATIONS WOULD WANT TO LOOK AT THAT. NOW, NEXT, THE ACCOMMODATIONS, WE HAVE ACCOMMODATIONS, BOTH NONTECHNOLOGY AND TECHNOLOGY TYPES OF ACCOMMODATIONS. NOW, I WANT TO JUMP OFF ON THE PROBLEM WITH READING MEASURES, AND I'M PRETTY SURE JOANNE WILL JUMP IN AND PICK UP ON THIS IN A FEW MINUTES. WE KNOW THAT THE READING MEASURES THAT WE HAVE BOTH IN DECODING AND READING COMPREHENSION, IF WE ARE USING PAPER KIND OF MEDIA, ARE NOT THE BEST. WE'RE LIMITED AND, THEREFORE, WE HAVE TO BE VERY CAREFUL ON NOT UNDER-IDENTIFYING INDIVIDUALS BECAUSE THEY HAPPEN TO SCORE ABOVE THE 16TH PERCENTILE ON A MEASURE. FOR INSTANCE, WE HAVE A STUDY THAT JUST CAME OUT IN WHICH WE EVALUATED OVER 200 INDIVIDUALS WITH AND WITHOUT LEARNING DISABILITIES, AND GAVE THEM THE NELSON DENY, WHICH MANY OF YOU KNOW AND DID NOT GIVE THEM THE PASSAGE TO READ AND JUST HAD THEM ANSWER THE QUESTIONS, AND WE FOUND OUT THAT IN THE END, MANY OF THEM SCORED WELL ABOVE CHANCE HAVING NEVER EVEN READ THE PASSAGE. IN OTHER WORDS, THEY GUESSED. THIS KIND OF RESEARCH HAS BEEN DONE ON THE SAT IN THE PAST. SO THE GUESS FACTOR, BECAUSE THE QUESTIONS ARE -- THEIR PRIOR KNOWLEDGE ALLOWS THEM TO ANSWER THOSE QUESTIONS THAT MAY NOT BE THE MOST INDICATOR -- OR ACCURATE INDICATOR OF WHAT THEY'RE THEIR READING IS ON A DAILY BASIS AND, AGAIN, TO DENY THEM ACCOMMODATIONS IS, I THINK, A DIFFICULT AND PROBLEMATIC FOR US. SO BEING VERY CAREFUL, THE READING MEASURES WE'RE USING TO DIAGNOSE. OKAY. THEN E TEXT ARE A WHOLE OTHER AREA THAT WE HAVE RESEARCH, PARTICULARLY IN THE AREAS OF ADOLESCENTS WITH DYSLEXIA ARE PROVIDING EXCELLENT WAYS TO SUPPORT THEIR READING COMPREHENSION PROBLEMS THAT MANY OF OUR ADOLESCENTS AND ADULTS FACE. DO I HAVE FIVE MORE MINUTES OR IS JOANNE ON NOW?

>>: I THINK WHAT WE WANT TO MAKE SURE TO DO IS TO LEAVE TIME FOR SOME QUESTIONS FOR YOU, NOEL.

>>: OKAY. THEN I'LL SUMMARIZE THIS. YOU'VE GOT -- WELL, I JUST WANT TO REFER TO IT -- THESE NEXT SET OF POWERPOINT SLIDES THAT YOU CAN LOOK AT AND THAT IS THAT WE ARE DEALING IN A WHOLE OTHER WORLD. WE HAVE THE MILLENNIAL GENERATION NOW AND DIGITAL IS HOW THEY READ AND THEY DO A LOT OF LITERACY PRACTICE OUTSIDE OF SCHOOL. WE HAVE VERY POOR RESEARCH, WHEN IT COMES TO STUDENTS WITHOUT DISABILITIES AND UNDERSTANDING THIS INDEED NEW KIND OF READERS, AND VERY COMPLEX USE OF TECHNOLOGY THAT THEY'RE USING THAT IS MULTI-MODAL AND THE WEB 2 AND WEB 3 GIVES US A LOT OF WAYS

62

TO ACCOMMODATE IN THE FUTURE. HOWEVER, OUR DIAGNOSTIC INSTRUMENTS THAT WE'RE USING RIGHT NOW TEND TO BE INSTRUMENTS THAT WERE DESIGNED NOT WITH A DIGITAL WORLD IN MIND AND WHETHER OR NOT WE CAN MAKE THOSE SAME KIND OF INFERENCES FROM A NELSON DENY TO AN iPad IS SOMETHING THAT I WOULD REALLY QUESTION. AND I THINK SOME OF THE THINGS YOU -- THIS COMMITTEE IS LOOKING INTO, WE HAVE TO BE VERY CAREFUL THAT OUR DIAGNOSTICIANS AND PROFESSIONALS OUT IN THE WORLD UNDERSTAND THAT, THAT WE ARE JUST BEGINNING TO BEGIN TO UNDERSTAND AND DELVE INTO THE RESEARCH THAT'S GOING TO HELP US BETTER UNDERSTAND HOW TO IDENTIFY, THEN HOW TO ACCOMMODATE AND PROVIDE INTERVENTIONS FOR THE ADOLESCENT AND ADULT POPULATION THAT ARE A

May 4, 2011 Transcript of Meeting

MILLENNIAL GENERATION. SO I'LL STOP THERE AND EITHER GO ON TO JOANNE OR ASK ME QUESTIONS.

>>: OKAY. THANK YOU. AND I THINK WHAT WE'LL DO IS OPEN IT UP FOR SOME QUESTIONS, BECAUSE WE KNOW THAT YOU'RE NOT WITH US FOR THE WHOLE TIME. SO LET'S DO THAT FIRST BEFORE MOVING ON TO JOANNE. SO QUESTIONS FROM THE COMMISSION? JIM FRUCHTERMAN?

>>: ALWAYS WILLING TO GO IF NO ONE ELSE WILL. SO REALLY HELPFUL DISCUSSION, AND I THINK A LOT OF US ARE ON THE VERY PRACTICAL END OF THE SCIENCE, APPLYING THIS, IN TERMS OF STUDENT QUALIFICATIONS, WHO QUALIFIES, AND IN MANY CASES WE'RE IN RELATIVELY UNDER RESOURCED LOW SECONDARY INSTITUTIONS, SO I GUESS I WOULD JUST START WITH SOME OF THE BASIC ONES, LIKE WHO ARE THE RIGHT PEOPLE TO DO ASSESSMENT OF THIS KIND OF DISABILITY, AND WHEN WE'RE TALKING ABOUT POST SECONDARY STUDENTS, YOU KNOW, DO THEY REALLY NEED TO BE TESTED, YOU KNOW, AT THE BEGINNING OF HIGH SCHOOL, THE END OF HIGH SCHOOL, YOU KNOW, TO TAKE ALL THE TESTS? DO YOU NEED FIVE OR SIX TESTING CONSEQUENCES WHEN YOU'RE ALREADY AN ADOLESCENT OR YOUNG ADULT AND WHERE DO WE GO OVER BOARD ON THAT OR WHERE ARE WE ACTUALLY FINDING OUT REAL INFORMATION.

>>: THAT'S A GREAT QUESTION. I WISH I HAD THE ANSWER BUT LET ME JUST JUMP OFF ON THAT ONE. OBVIOUSLY DIFFERENT STATES AND DIFFERENT COLLEGES HAVE DIFFERENT SETS OF REQUIREMENTS ON WHAT THEY'RE GOING TO SAY. AND I KNOW JOANNE WILL TALK ABOUT THE TESTING AGENCIES. MY BELIEF IS THAT IT'S VERY, VERY IMPORTANT TO HAVE AN ASSESSMENT JUNIOR/SENIOR YEAR OF HIGH SCHOOL, BECAUSE THE TIMES WHERE THEY ARE DEVELOPMENTALLY, NEUROLOGICALLY, IS VERY DIFFERENT THAN WHERE IN THE 8TH AND 9TH GRADE. THE BRAIN IS GROWING VERY RAPIDLY DURING THOSE HIGH SCHOOL YEARS, SO CLOSER TO THE COLLEGE JUMPING OFF POINT YOU HAVE, THE MORE ACCURATE YOU CAN IDENTIFY MORE EFFECTIVE ACCOMMODATIONS. BECAUSE IF THEY JUMP INTO THE POST SECONDARY, THOSE SERVICE PROVIDERS ARE HAVING TO FIGURE OUT ACCOMMODATIONS FOR ALL SETS OF TYPES OF LEARNING. IT'S BIOCHEMISTRY, ET CETERA, AND THE MORE INFORMATION THEY CAN HAVE AND THE MORE ACCURATE THAT IT IS, THEN THEY CAN HELP THE INDIVIDUAL IN A MUCH STRONGER WAY. THE OTHER THING I WOULD SAY, I DON'T KNOW WHAT OUR HIGH SCHOOLS ARE LIKE, BUT

63

IN GEORGIA, THE ABILITY TO HAVE A THOROUGH EVALUATION IN THE SECONDARY SCHOOLS IS NOT OFTEN THE CASE. SO ALL THEY WILL GET WHEN THEY GO TO COLLEGE IS MAYBE SOME READING MEASURES AND THAT COULD HAVE HAPPENED YEARS AGO. SO THE RECENCY IN THAT TRANSITION I THINK IS VERY IMPORTANT. NOW, ONCE THEY GET INTO COLLEGE, I THEN WOULD SAY I HAVE PROBLEMS WHEN SOMEBODY HAS TO BE TESTED EVERY THREE TO FIVE YEARS IF THEY HAD A GOOD ASSESSMENT GOING INTO COLLEGE. WHO'S GOING TO PAY FOR THAT AND WHO DOES THAT. MY STATE, WE HAVE ACCESS TO IT BECAUSE WE HAVE STATEWIDE ACCESSIBILITY FOR ALL OF OUR STUDENTS TO GET THAT TYPE OF ASSESSMENT AT ALMOST A MINIMAL -- WELL, A VERY MINIMAL COST AND THAT'S NOT TRUE ANYWHERE ELSE, EXCEPT FOR HOW MUCH CALIFORNIA'S DOING NOW RELATED TO ITS ABILITY TO DO THAT. SO I UNDERSTAND WHAT YOU'RE SAYING, IT'S NOT AVAILABLE, REHAB WILL REALLY PROVIDE THOSE RESOURCES. THE PERSON THAT YOU WANT TO HAVE FOR AN ASSESSMENT IS YOUR BEST CASE IS SOMEBODY WHO LASS DEALT WITH ADOLESCENTS AND ADULTS, UNDERSTANDS THEM, HAS WORKED WITH THEM. SOMEONE WHO UNDERSTANDS LANGUAGE DISORDERS, COMMUNICATION

May 4, 2011 Transcript of Meeting

DISORDERS, HAS A BACKGROUND IN ASSESSMENT. IN SOME STATES AND FOR SOME TYPES OF PROGRAMS, THAT WOULD HAVE TO BE -- YOU WOULD ALSO HAVE TO HAVE A LICENSED PSYCHOLOGIST. SOME STATES DO NOT REQUIRE LICENSED PSYCHOLOGISTS, THEY MAY HAVE SOME KIND OF CERTIFICATION FOR A DIAGNOSTICIAN. MY BIG THING IS THAT THEY HAVE KNOWLEDGE OF COMMUNICATION DISORDERS AND THAT THEY HAVE WORKED WITH ADOLESCENTS AND ADULTS.

>>: THANK YOU FOR THAT. NOEL, MY ONLY QUESTION, THEN, AS YOU LOOK AT ASSESSMENT BEFORE COLLEGE, THEN WHERE -- WHERE -- WHO DOES MOST OF THE ASSESSMENT? WHERE IS IT DONE? IS THIS A MEDICAL MODEL, IS THIS A SCHOOL MODEL? WHERE'S IT REALLY HAPPENING?

>>: AND I CAN ONLY REALLY SPEAK FOR MY STATE IN THE SENSE OF PRAGMATICALLY, IN MY STATE, THERE WOULD BE ASSESSMENTS DONE IN THE SECONDARY, BUT QUITE OFTEN IT IS SIMPLY ACHIEVEMENT MEASURES, IT'S NO COGNITIVE PROCESSING, UNLESS THERE WAS SOME KIND OF PSYCHOLOGICAL REASON FOR THAT REFERRAL. SO QUITE OFTEN, THE INDIVIDUALS WHO REALLY GET THE THOROUGH EVALUATION WOULD BE INDIVIDUALS WHO HAVE ACCESS TO PRIVATE ASSESSMENT OUTSIDE THE SCHOOLS. NOW WHAT THE SCHOOLS WOULD HAVE, DEPENDING ON THE SCHOOL SYSTEM, THEY WOULD HAVE BEEN WORKING WITH THAT INDIVIDUAL, SO YOU DO HAVE DOCUMENTATION OR THE DURATION OF THAT, THE TYPES OF ACCOMMODATIONS THAT HAVE BEEN EFFECTIVE, AND THAT DATA IS ABSOLUTELY VITAL FOR POST SECONDARY. SO IT IS A SCHOOL-BY-SCHOOLING TYPE OF THING, BUT THE ASSESSMENT ISSUE IS THE BARRIER THAT IS UP AGAINST A LOT OF OUR INDIVIDUALS BECAUSE OF PRIVATE EVALUATIONS, AS YOU ALL KNOW, ARE VERY, VERY COSTLY, AND UNLESS YOU HAVE A STATE SYSTEM OR SOME KIND OF SYSTEMIC WAY OF DOING THE ASSESSMENT, IT IS A PROBLEM. NOW, IF WE HAD UNIVERSAL DESIGNED WORLD AND SAY ANYBODY WHO NEEDS THESE ACCOMMODATIONS COULD HAVE ACCESS TO THEM, THAT WOULD BE IDEAL, BUT THERE IS THEN A COST FACTOR TO THE COLLEGES AND UNIVERSITIES IN HOW THEY COULD MEET THAT

64

DEMAND. SO I DON'T THINK THERE'S AN ANSWER TO IT. I THINK THE ISSUE IS WE NEED GOOD ASSESSMENTS. THE MORE EFFECTIVE OR QUALITY AN ASSESSMENT IS THE MORE ACCURATE YOU'RE GOING TO BE IN HELPING THAT INDIVIDUAL REACH THE ACCOMMODATIONS AND ACCESS. THE ACADEMY OF SCIENCE THAT I WAS JUST MENTIONING, WE WERE LOOKING AT A LOT OF INDIVIDUALS FROM THE ADULT BASIC PROGRAMS AND THEY REALLY DON'T HAVE ACCESS TO ASSESSMENT. SO ADULT BASIC EDUCATION IS REALLY MOVING TO LOOKING AT LITERACY IN GENERAL, AND UNDER THE CATEGORY OF DISABILITY, BUT THERE AGAIN, EVEN IF YOU SAY SOMEBODY NEEDS AN ACCOMMODATION, DO WE HAVE THE RESOURCES THAT WE CAN PROVIDE FOR THEM? WE NEED SYSTEMS AND SYSTEMIC WAYS THAT WE CAN PROVIDE ACCESS TO ACCOMMODATIONS TO PARTICULARLY ELECTRONIC TEXTS. RIGHT NOW WE'RE WORKING ON A PROJECT TO MAKE THAT HAPPEN IN SECOND LIFE, WHETHER THAT WILL WORK OR NOT, AND OUR HOPE DOWN THE LINE IS THAT WE'D BE ABLE TO DO THAT, BUT RIGHT NOW, I THINK -- I'M SIMILAR JOANNE WILL TALK ABOUT THIS, WE'RE PRETTY STUCK IN THE MIDDLE. GAIER, QUESTION?

>>: YEAH, JUST A COUPLE QUESTIONS. SO DR. GREGG, BASED ON YOUR RESEARCH, WOULD YOU SAY THAT THIS IS A PHYSICALLY-BASED DISABILITY?

>>: I WOULD SAY IT'S A NEUROLOGICALLY BASED DISABILITY.

May 4, 2011 Transcript of Meeting

>>: THANK YOU. IS TEXT TO SPEECH ALWAYS AN APPROPRIATE ACCOMMODATION FOR THIS GROUP?

>>: NO, IT'S NOT ALWAYS -- AGAIN, SOME OF -- WHERE I WAS TRYING TO TAKE YOU DOWN THROUGH THOSE QUESTIONS, BECAUSE IT DEPENDS ON WHAT IS THE BASIS FOR THE PROBLEM, AND THEN IT DEPENDS ON THE OTHER KIND OF COGNITIVE PROCESSING ISSUES THAT ARE GOING ON FOR THAT INDIVIDUAL. SO TEXT TO SPEECH FOR SOME INDIVIDUALS IS VERY EFFECTIVE. I WOULD ALSO SAY, TO ANSWER THAT, THERE MAY BE A TEXT TO SPEECH THAT COMES UP IN THE NEXT YEAR OR SO WITH TECHNOLOGY AS IT DEVELOPS THAT'S DIFFERENT THAN THE CURRENT VERSIONS WE'RE USING. SO I PUT A QUALIFIER ON THAT. BUT I THINK THESE -- WE ARE DEALING WITH A VERY HETEROGENEOUS GROUP OF INDIVIDUALS AND THE ACCESS TO THOSE ACCOMMODATIONS HAVE TO BE LOOKED AT INDIVIDUAL BY INDIVIDUAL.

>>: AND ONE LAST QUESTION, I HAVE SOME ANECDOTAL EXPERIENCE WITH INDIVIDUALS WHO HAD A LEARNING DISABILITY WHO LOST THEIR VISION AND FOUND BRAILLE MUCH EASIER TO USE. I WONDER IF THERE WAS ANY ACTUAL RESEARCH OR LITERATURE ON STUDENTS WITH DISABILITIES USING BRAILLE RATHER THAN TRYING TO READ VISUALLY WITH THEIR EYES.

>>: MY MASTER'S PROGRAM, WHICH WAS PROBABLY ABOUT 5,000 YEARS AGO, MY MASTER'S PROGRAM WAS IN VISUAL IMPAIRMENT AND LEARNING DISABILITIES AND WE WENT TO PERKINS AND DID ALL THAT, BECAUSE THIS WAS BACK IN -- I WON'T TELL YOU --

>>: I KNOW.

>>: -- JOANNE WILL TELL YOU, SO IF I DON'T. IT WAS BACK IN THE LATE '70S, AND WE WERE LOOKING AT WHAT IS THAT COMBINATION FOR INTERVENTION, ACTUALLY, MORE THAN AS AN ASSESSMENT. AND INDIVIDUALS WITH DYSLEXIA WHO

65

HAVE DIFFICULTY WITH USING CERTAIN INTERVENTIONS WILL PROBABLY BASELINE ABOUT THE SAME WITH CERTAIN KINDS OF BRAILLE, BUT AS YOU GET MORE SOPHISTICATED IN YOUR BRAILLE READING THEN YOU'LL START TO SEE PROBLEMS OF THE SAME KIND BUT THERE'S NOT A LOT THAT'S MORE CLINICAL I WOULD SAY AT THIS POINT. AND I'M SURE THERE ARE INDIVIDUALS WHO COULD DO BRAILLE BETTER. THE PROBLEM WITH BRAILLE AND I CAN SPEAK FROM HAVING HAD TO LEARN IT ANDS THAT IT REQUIRES A TREMENDOUS WORKING MEMORY AND WE KNOW THAT WORKING MEMORY IS A PROBLEM FOR MANY OF OUR INDIVIDUALS WITH DYSLEXIA. SO THERE IS PROBABLY AN INDIVIDUAL WHO THAT MIGHT BE A MORE EFFECTIVE WAY, BUT I WOULD QUESTION WHETHER THAT WOULD BE THE GENERAL POPULATION. BUT IT WOULD BE AN INTERESTING THING TO EXPLORE MORE.

>>: THANKS. AND NOEL, JUST FINALLY, YOU, OF COURSE, REFERENCED THE IMPACT OF LOW TECH AND HIGH TECH ACCOMMODATIONS FOR INDIVIDUALS WITH DYSLEXIA. AND IF THE COMMISSION NEEDED TO FOLLOW UP TO GET CITATIONS, AND SO FORTH, WE'D BE ABLE TO DO SO.

>>: ABSOLUTELY. ABSOLUTELY.

>>: OKAY. WE HAVE A QUESTION OVER HERE FROM LINDA.

May 4, 2011 Transcript of Meeting

>>: NOEL, I JUST WANT TO THANK YOU FOR DOING AN EXCELLENT PROFESSIONAL JOB, THOROUGH, VERY QUICKLY ON THIS FIELD. GOOD WORK. THANK YOU FOR HELPING US.

>>: THANK YOU.

>>: THANK YOU VERY MUCH. DO WE --

>>: THANK YOU FOR THE OPPORTUNITY. Q. AUTO WELL, WE HAVE ANOTHER QUESTION OR COMMENT FROM KURT.

>>: ONE MORE. I'M ACTUALLY A MEDICAL STUDENT, SO I'M KIND OF INTERESTED IN SOME OF THE -- I GUESS THE NEUROLOGICAL BASIS OF THIS. SO JUST A QUESTION ABOUT THE PHYSICAL ORGANIC NATURE, I THINK WHAT YOU MAY HAVE SHOWED, I COULDN'T SEE IT WELL FROM HERE BUT IT WAS AN FMRI EARLY IN THE BEGINNING, SO I GUESS MY QUESTION IS, IF WE'RE SORT OF OPERATING UNDER THE PREMISE THAT THERE'S A PHYSICAL BASIS FOR THIS, IF IT'S SIMILAR TO ALZHEIMER'S WHERE WE SEE IN ENLARGED VENTRICLES MASK NOT REALLY A SPECIFIC FINDING BUT MORE OF A SENSITIVE ONE AND THAT'S SIMILAR FOR DYSLEXIA.

>>: YOU KNOW, I THINK IT IS SOMEWHAT. I THINK YOU JUST HAVE TO KEEP SAYING TO YOURSELF, THE DIFFERENCE, THEN, IS THAT THIS IS A DEVELOPMENTAL DISORDER, AND IT STARTS, YOU KNOW, WITH AN INDIVIDUAL AND IT GOES OVER THEIR LIFE SPAN. IT'S NOT SOMETHING THAT SUDDENLY BECOMES DEVELOPED, AND SO YOU SEE THAT TRACKED NEUROLOGICALLY AND THEN YOU SEE THE PLASTICITY OF THAT OVER A LIFE SPAN AND SO I THINK IT'S A VERY FINE LINE AS WE GO ACROSS SUBGROUPS OF DISABILITIES. I THINK WE HAVE TO BE VERY CAREFUL NOT TO ASSUME THAT ALL NEUROLOGICAL DISORDERS HAVE, YOU KNOW, NEUROLOGICAL

66

DISORDERS HAVE, YOU KNOW, A SIMILAR FOCUS ON THEM, BUT THERE ARE SIMILARITIES AND DIFFERENCES AND WE ARE LEARNING A LOT, ACTUALLY, THROUGH THE GERIATRIC POPULATION OF HOW TO BETTER UNDERSTAND READING, BECAUSE MANY OF US, AS WE GET OLDER, BEGIN TO GO DOWN CERTAIN AREAS AND IT'S HELPING UNDERSTAND THE PROCESS OF LEARNING OVER A LIFE SPAN. Q. AUTO SO YOUR POINT THAT SOME OF THE INSTRUMENTS THAT ARE BEING USED NOW ARE ALL PRINT BASED AND THAT GIVEN THEIR SORT OF DIGITAL MODALITIES USED BY THE LEARNERS THAT ARE BEING ASSESSED, IS THAT -- ARE YOU SUGGESTING THAT THERE COULD BE A LOT OF FALSE NEGATIVES THAT ARE SORT OF OCCURRING NOW, IS THAT THE CONCERN?

>>: WELL, YEAH, I'M CONCERNED WE'RE COMPARING APPLES AND ORANGES. TO BE ABLE TO READ A TRADITIONAL BOOK, JUST AS WE ALL THINK ABOUT, USING AN iPad VERSUS OPENING A BOOK, IT'S DIFFERENT PROCESSES. AND SOME OF THE WORK FROM THE GROUP IN CONNECTICUT HAS LOOKED AT THIS A LITTLE MORE QUALITATIVELY AND FOUND THAT SOME INDIVIDUALS WITH DYSLEXIA WERE BETTER ABLE TO DO DIGITAL KIND OF PROCESSING LIKE PARTICULARLY SCANNING ON WEB PAGES, ET CETERA, BUT OTHERS COULD NOT WITH DYSLEXIA, SO, AGAIN, YOU HAVE THE SUBGROUPS. THERE'S DIFFERENT PROCESSES AND DIFFERENT USE FOR THE OTHER THING, IS THERE'S SO MANY MULTI-MODAL USES. IT'S NOT JUST E TEXT SO HOW DEEP AN INDIVIDUAL GOES AND WE KNOW THAT INFERENCING IS VERY IMPORTANT TO DO WEB PAGES, TO DO A LOT OF TECHNOLOGY, AND THAT IS A PROBLEM FOR SOME OF OUR STUDENTS. SO HOW THAT WILL AFFECT THEIR WEB

May 4, 2011 Transcript of Meeting

LEARNING AND THEIR DIGITAL WORLD LEARNING IS GOING TO BE A DIFFERENT WORLD FOR US AND TO USE LIKE A NELSON DENY TO MAKE INFERENCES FROM THAT, TO ME IT'S JUST APPLES AND ORANGES.

>>: THANK YOU. ANY OTHER QUESTIONS? OKAY. THANK YOU, NOEL.

>>: I'M GOING TO FIRST TELL THEM WHAT YEAR YOU WERE AT PERKINS.

>>: I KNEW IT.

>>: SHE WAS THERE A YEAR BEFORE ME, AND SO -- I'VE BEEN TAKING NOTES FROM HER PRESENTATION TO FILL IN FROM A PRACTICAL HIGHER ED AND LEGAL AND TESTING KIND OF POINT OF VIEW, HOW TO SORT OF APPLY SOME OF THAT FROM A POLICY PERSPECTIVE, AS WELL. AND I THINK THAT GAIER'S QUESTION ABOUT PEOPLE WHO LOST THEIR VISION EARLY ON AND USED BRAILLE, I FIND THAT INTERESTING. AS SOMEBODY WHO HAD TO LEARN BRAILLE, ONE OF THE THINGS I STARTED TO DO BECAUSE I DIDN'T KNOW WHAT TO DO BECAUSE I HAD A MASTER'S IN DEAF EDUCATION, I WAS WONDERING HOW I WAS ACTUALLY GOING TO LEARN BRAILLE TACTILLY AND I REMEMBER THE INSTRUCTOR SAYING, WHAT ARE YOU, ARE YOU AN IDIOT? IF YOU'RE SIGHTED, YOU READ BRAILLE VISUALLY. THAT'S A BIG ISSUE WITH PEOPLE WITH LD, I REMEMBER IN THE BARTLETT CASE AT ONE POINT, ONE OF THE THINGS THE PERSON SUGGESTED TO HER WAS LEARN BRAILLE AND MAKE BELIEVE SHE WAS BLIND AND SHE SAID, OKAY, UP, DOWN, LEFT, RIGHT, THAT'S NOT GOING TO WORK KIND OF THING. SO I THINK THAT, SURE, A LOT OF PEOPLE ARE DIFFERENT AND HAVE DIFFERENT ABILITIES AND DIFFERENT AREAS, BUT I THINK -- I THINK IT'S PROBABLY NOT THE -- A GREATER LIKELIHOOD THAT

67

THAT'S GOING TO TURN OUT TO WORK FOR PEOPLE. A COUPLE THINGS THAT I WANTED TO JUST GO OVER WITH PEOPLE IS, FIRST OF ALL, I THINK IT'S VERY IMPORTANT THAT EVERYBODY UNDERSTANDS THAT THE ADA AMENDMENTS ACT REALLY RATCHETED DOWN THIS WHOLE ISSUE ABOUT SEVERITY OF IMPAIRMENT, AND, FOR EXAMPLE, A LOT OF WHAT NOEL WAS TALKING ABOUT GOING TO THIS ISSUE OF RECENCY OF TESTING, AND YOU ASKED THIS QUESTION, MY EXPERIENCE IS THAT THE ISSUE ABOUT RECENCY OF TESTING IS PRIMARILY GIVEN TO WHETHER OR NOT YOU HAVE A DISABILITY, BECAUSE THERE'S THIS GREAT ANSWER THAT SOMEHOW OR ANOTHER YOU'LL BE CURED AND, IN FACT, ONCE -- YES, CHILDREN GROW AND DEVELOP AND IT MADE SENSE UNDER AN IDEA BECAUSE KIDS DO GROW AND CHANGE. WE MIGHT HAVE MORE INFORMATION ABOUT THAT WHEN THEY'RE 7, 8, OR 9, BUT IT WAS ALSO -- IF YOU LOOK BACK AT THE HEARINGS, I HAPPENED TO BE IN GRADUATE SCHOOL, SO I'M DATING MYSELF, IT WAS ABOUT MONEY. IT WAS ABOUT WHETHER OR NOT WE WERE GOING TO HAVE TO CONTINUE TO PROVIDE SPECIAL EDUCATIONAL SERVICES, AND IF WE GOT THOSE KIDS TO THE POINT WHERE THEY NO LONGER NEEDED SPECIAL EDUCATION SERVICES WE WOULD TEST THEM EVERY THREE YEARS AND HOPE THAT, IN FACT, WE COULD DECLASSIFY THEM. THAT CERTAINLY DOES MAKE SOME SENSE. THERE MAY BE KIDS THAT NO LONGER NEED SPECIAL EDUCATION SERVICES BUT FOR THE MOST PART, PEOPLE CONFUSE CLASSIFICATION WITH DIAGNOSIS AND WITH HAVING A DISABILITY AND THEY'RE NOT THE SAME THING. IDEA IS ABOUT CLASSIFYING, IT'S NOT ABOUT WHETHER YOU HAVE A DISABILITY. SECTION 504 AND THE ADA ARE ALL ABOUT WHETHER YOU HAVE A DISABILITY PROTECTED BY THE LAW, WHETHER IT'S A CIVIL RIGHTS STATUTE NOT AN EDUCATION STATUTE. AND IF YOU MAKE THE MISTAKE THAT DECLASSIFICATION MEANS YOU DON'T HAVE A DISABILITY, IT'S A VERY SERIOUS MISTAKE BECAUSE

504 WILL PICK UP AND SO WILL THE ADA, AND SO A LOT OF THE SORT OF DISCUSSION IN LD ABOUT WHETHER OR NOT THEY'RE GETTING BETTER, THIS, THAT, AND THE OTHER THING, IS REALLY ABOUT CLASSIFICATION VERSUS DIAGNOSIS, AND IT'S VERY CLEAR UNDER THE ADA, PARTICULARLY THE ADA AMENDMENTS ACT, WHICH REALLY BROUGHT BACK TO SQUARE ONE WHAT CONGRESS INTENDED TO DO IN 1990, WAS THAT THEY INTENDED TO COVER PEOPLE WHOSE DISABILITIES PERHAPS WERE LESS SEVERE THAN THOSE NEEDING CLASSIFICATION UNDER IDEA. SO ONE OF THE BIG MYTHS OUT THERE THAT I HEAR ALL THE TIME IS THAT THE ADA IS A DIFFERENT STANDARD AND YOU MIGHT NOT QUALIFY UNDER THE ADA, EVEN THOUGH YOU DID UNDER IDEA. IT IS THE EXACT OPPOSITE. THAT HAS BEEN THE DEPARTMENT OF EDUCATION'S VIEW FOR A LONG, LONG TIME. IT IS -- IT IS PEOPLE WHO ARE TRYING NOT TO PROVIDE ACCOMMODATIONS, TRYING NOT TO ACKNOWLEDGE THEIR OBLIGATIONS UNDER THE LAW THAT ARE ADVANCING THAT ARGUMENT. HAVING DEPOSED ONE OF THE PEOPLE WHO WROTE ONE OF THE EARLY ARTICLES ON IN A, WHEN I SAID TO HIM, DID YOU CHECK WITH THE DEPARTMENT OF EDUCATION WHICH ENFORCES SAID REGULATIONS TO DETERMINE WHETHER OR NOT THEY AGREED WITH THAT ANALYSIS? HE SAID, NO, WE JUST THOUGHT IT. AND I SAID OH, THAT'S GREAT. SO THIS IS IN A PEER REVIEWED JOURNAL, REVIEWED BY PEERS WHO ALSO DON'T UNDERSTAND AND THEY'RE STILL OUT THERE GRINDING AWAY

68

AT THIS. SO I HEAR EVEN PEOPLE WHO ARE CLINICIANS MISUNDERSTANDING THAT. AND SO I DO -- YOU KNOW, AS OFTEN AS I CAN, I TRY TO PRESENT TO GROUPS OF CLINICIANS SO THAT THEY UNDERSTAND THAT A LOT OF WHAT THEY'VE BEEN TAUGHT OR WHAT THEY'VE BEEN TOLD BY THE STATE REGULATION, LIKE EVEN NOEL DID IT BEFORE, DEPENDS WHAT STATES YOU'RE IN, WHETHER YOU'RE LD, THAT'S REALLY UNDER IDEA, THAT'S NOT ABOUT THE ADA, OKAY, BECAUSE THE ADA DOESN'T DEFINE LD, DOESN'T DEFINE ANYTHING. IT'S A SUBSTANTIAL CHANGE TO A MAJOR ACTIVITY. THAT CAN BE ANY NUMBER OF THINGS. SO I JUST WANT TO SORT OF MAKE SURE THAT EVERYBODY HAS THAT KIND OF PERSPECTIVE, AND THAT'S THE PERSPECTIVE THAT WE'RE DEALING WITH IN HIGHER EDUCATION BECAUSE IDEA HAS NOTHING TO DO WITH HIGHER ED, SO WE'RE AT THE 504ADA LEVEL AND WE'RE TALKING ABOUT SERVING PEOPLE WHO ARE NOT NECESSARILY IMPAIRED ENOUGH TO WARRANT SPECIAL EDUCATION SERVICES IN K-12. THE ADA AMENDMENTS ACT MADE VERY CLEAR THAT IT WAS DESIGNED TO BE LIBERAL CONSTRUED TO THE MAXIMUM UNDER THE LAW, IT WAS NOT SORT OF A CRAMPED FLOOR, IT WAS ABOUT OPENING UP THE WORLD TO PEOPLE WITH DISABILITIES OF ALL -- OF ALL KINDS AND AT ALL LEVELS. THEY PARTICULARLY SAID THAT IT WAS T SHOULD NOT REQUIRE EXTENSIVE ANALYSIS. SO A LOT OF THE CASE LAW -- AND THIS IS BECAUSE ALL OF THE LITIGATION UNDER THE ADA WAS THE FIRST THING YOU WOULD DO IS SAY YOU'RE NOT PROTECTED, YOU'RE NOT DISABLED, AND THAT PEOPLE WITH DISABILITIES WERE REALLY -- I HAVE A SLIDE THAT I USE SOMETIMES, IT'S TWO RESTROOM DOORS. IT SAYS DAMNED IF YOU DO, DAMNED IF YOU DON'T, AND THAT WAS EXACTLY WHAT WAS GOING ON, SO YOU HAD PEOPLE WITH VERY SIGNIFICANT IMPAIRMENTS WHO WERE FOUND TO NOT HAVE A DISABILITY BECAUSE OF THE WAY SOMEBODY PARSED THROUGH THE LANGUAGE. AND, OF COURSE, IT WAS USUALLY ABLE BODIED PEOPLE WHO PARSED THROUGH THE LANGUAGE WHO HAD NO CLUE WHAT THEY WERE TALKING ABOUT, UNFORTUNATELY. THEY ALSO EXPANDED WHAT MAJOR LIFE ACTIVITIES WERE BECAUSE ONE OF THE REASONS PEOPLE HAD TROUBLE WAS WHAT'S THE MAJOR LIFE ACTIVITY. IF YOU HAVE RENAL FAILURE, WHAT'S THE MAJOR LIFE ACTIVITY? RIGHT? WELL, IT COULD BE URINATION, BUT IT MIGHT NOT BE. THE OTHER THING IS WHEN YOU HAVE TO PROVE THIS IN COURT, THERE'S A LOT OF STUFF PEOPLE DON'T WANT TO TALK ABOUT. IT'S A VERY INTRUSIVE PROCESS. AND I ALWAYS SAY THAT THE TOYOTA, THE LADY IN TOYOTA LOST NOT BECAUSE SHE

DIDN'T HAVE DIFFICULTY WITH PERFORMING MANUAL TASKS, BUT BECAUSE IT NEVER DAWNED ON HER LAWYER WHEN THEY'RE TALKING ABOUT HER BEING DENIED -- HER BEING FIRED FROM A JOB AN ASSEMBLY LINE TO REALLY GO INTO DETAIL ABOUT PUTTING ON HER PANTYHOSE. WHO WOULD THINK OF THIS? IT'S TOTALLY IRRELEVANT TO THE WORKPLACE. IT'S IRRELEVANT TO THE WORKPLACE DISCRIMINATION. BUT IN ORDER TO PROVE THAT SHE CAME IN UNDER THAT WIRE, THAT'S WHAT SHE WOULD HAVE HAD TO DO. AND SHE DIDN'T DO THAT. SO SHE LOST

69

HER CASE. AND CLEARLY THAT WAS SOMETHING THAT CONGRESS WAS CONCERNED ABOUT, AS WELL. THIS LEVEL OF INTRUSIVE DETAIL THAT PEOPLE NEEDED TO PRESENT IN THEIR CASES WHICH WAS REALLY AND FOR THE MOST PART ENTIRELY IRRELEVANT TO THE ACCOMMODATIONS THEY MIGHT HAVE BEEN REQUESTING OR WHETHER THEY WERE DISCRIMINATED AGAINST IN THE WORKPLACE OR IN HIGHER EDUCATION. SO THEY CLARIFIED AND ENHANCED MAJOR LIFE ACTIVITIES, AND THEY ALSO UNDOED ANOTHER BARRIER, WHICH WAS WHETHER SOMETHING WAS EPISODIC OR IN REMISSION. SO FOR EXAMPLE IF SOMEBODY HAS EPILEPSY AND THEY'RE MEDICATED AND THEY HAVE BEEN SEIZURE FREE FOR YEARS, THEY WERE LOSING CASES, EVEN THOUGH PEOPLE WHO ARE EPILEPTIC ARE NOT DISCRIMINATED AGAINST BECAUSE OF HAVING SEIZURES, THEY'RE DISCRIMINATED AGAINST BECAUSE PEOPLE ARE AFRAID THEY'RE GOING TO HAVE A SEIZURE, RIGHT? SO IT HAS NOTHING TO DO WITH ANYTHING THE PERSON WITH EPILEPSY IS DOING OR NOT DOING. IT'S EVERYBODY'S FEAR. SO THE DISCRIMINATION IS IN THE VIEWPOINT OF THE DISCRIMINATOR. AND SO THEY WERE LOSING THEIR CASES BECAUSE THEY COULDN'T FIGURE THE MAJOR LIFE ACTIVITY AND FOR THE MOST PART, THEY WERE ASYMPTOMATIC. THAT'S A PROBLEM FOR PEOPLE WITH DIABETES, IT'S A PROBLEM FOR PEOPLE WITH VARIOUS OTHER DISORDERS, HIV BEING ANOTHER ONE, ALTHOUGH THEY GOT -- THE SUPREME COURT GOT AROUND THAT, AS FAR AS THAT GOES. SO THOSE ARE THINGS THAT THE ADA AMENDMENTS ACT DEALT WITH. SO MAJOR LIFE ACTIVITIES WERE THINGS LIKE WALKING, TALKING, STANDING, WHATEVER. NOW THEY'VE ADDED LIFTING, BENDING, SLEEPING, READING, CONCENTRATING, THINKING AND COMMUNICATING. THEY WERE NOT IN THE STATUTE. IT'S STILL AN ILLUSTRATIVE LIST, IT'S NOT AN EXHAUSTIVE LIST, SO YOU CAN MAKE STUFF UP. I KNOW THERE WAS ONE RENAL CASE WHERE THE PERSON LOST BECAUSE THEY COULD NOT COME UP WITH A MAJOR LIFE ACTIVITY THEN THERE WAS ANOTHER ONE BECAUSE THEY PHRASED THE MAJOR LIFE ACTIVITY AS REMOVING -- REMOVING IMPURITIES FROM THE BLOODSTREAM. OKAY. COURT BOUGHT IT. SO THAT WILL CONTINUE TO BE THE CASE. MAJOR LIFE ACTIVITIES NOW ALSO INCLUDE TO GET AWAY FROM THAT RENAL FAILURE ISSUE, FUNCTIONS OF THE IMMUNE SYSTEM, NORMAL CELL GROWTH, CANCER, DIGESTIVE FUNCTION, NEUROLOGICAL FUNCTIONS, BRAIN FUNCTIONS. NOT THE SAME AS NEUROLOGICAL. SO WE GET, AGAIN, THE ONE QUESTION ABOUT THE FMRI KIND OF THING. THERE'S NO -- THE ISSUE ABOUT ORGANICITY AND ABOUT A THRESHOLD OF PROTECTION. IT'S REALLY WITH THE NEUROBIOLOGICAL PATHWAYS ISSUE, IT'S REALLY ABOUT THE COMMUNICATION WITHIN THE BRAIN AND THE ACTIVATION IN THE BRAIN AND ONE COULD CALL IT ORGANIC, ONE COULD CALL IT

70

NEUROPSYCHOLOGICAL, BUT IT'S STILL BRAIN-BASED AND I THINK THAT'S SOMETHING THAT OUR LANGUAGE WILL CATCH UP WITH AT SOME POINT. AGAIN, RESPIRATORY FUNCTIONS, CIRCULATORY, AND REPRODUCTIVE FUNCTIONS, WHICH WAS REPRODUCTION WAS ONE OF THE MAJOR LIFE ACTIVITIES THE SUPREME COURT CAME UP WITH IN THE BRAGDEN CASE. SHE COULDN'T GET THE DENTIST TO TREAT HER

BECAUSE HE WAS HIV, SHE WAS ASYMPTOMATIC, THE COURT FOUND SHE WAS SUBSTANTIALLY LIMITED BECAUSE SHE CHOSE NOT TO HAVE LIMITED BECAUSE SHE WOULD HAVE A VERY HIGH PERCENTAGE OF PASSING ON HIV TO HER FETUS. ACTUALLY THE JUDGE, WHICH CRACKED ME UP, DISAGREED WITH THAT, BUT HE DIDN'T THINK THAT REPRODUCTION HAPPENED ALL THAT OFTEN. HE ONLY HAS NINE CHILDREN. IN ANY EVENT, HE WAS IN THE MINORITY ON THAT CASE, BUT IN REALITY, IN FACT, THIS IS ABOUT BIAS. THE ADA'S ABOUT BIAS, IT'S NOT REALLY ABOUT WHETHER REPRODUCTION IS A MAJOR LIFE ACTIVITY. AND NOW AN IMPAIRMENT WILL SUBSTANTIALLY LIMIT A MAJOR LIFE ACTIVITY YOU HAVE TO CONSIDER IT WITHOUT REGARD TO MITIGATING MEASURES. AGAIN THAT WAS AN ISSUE THAT CAME UP, THAT WAS THE SUTTON CASE AND THE TOYOTA CASE, AS WELL, TO SOME EXTENT AND THAT IS MITIGATING MEASURES. THE SUTTON CASE WAS THE AIRLINE PILOTS WHO WORE GLASSES. THEY WERE NOT HIRED FOR A PARTICULAR JOB BY UNITED AIRLINES. THEY HAD BEEN FLYING PASSENGERS FOR MANY, MANY YEARS, THEY HAD 2200 VISION IN THEIR UNCORRECTED AND 20/20 IN THEIR CORRECTED. NO SELF RESPECTING LAWYER WOULD TAKE THAT CASE BECAUSE IT'S BAD FACTS BECAUSE IT'S SO EASY TO PUT YOUR GLASSES ON AND SEE. THAT'S NOT TRUE ABOUT LD, ITS NOT TRUE ABOUT EPILEPSY, IT'S NOT EASY TO HAVE OCD, NO MATTER WHAT MEDICATION YOU'RE TAKING. AND IT DOESN'T CURE ANYTHING. AND THAT WAS THE PROBLEM WITH THE SUTTON CASE, WHY IT WAS BAD FACTS MAKING BAD LAW, SO THE ADA UNDOID ALL OF THAT AND EXPLICITLY REJECT THAT HAD ENTIRE LINE OF CASES, INCLUDING CASES WHERE THAT HAD BEEN CONTRIBUTED TO PEOPLE TAKING STANDARDIZED TESTS OR TO COLLEGE CASES. THE WONG CASE OUT OF CALIFORNIA WAS REJECTED. THE PRICE CASE AGAINST THE NATIONAL BOARD OF MEDICAL EXAMINERS EXPLICITLY REJECTED BY CONGRESS BECAUSE THEY WERE USING THIS -- AN ANALYSIS THAT WAS IMPROPER AND THAT WAS THAT IF YOU MANAGED TO GET -- IF YOU MANAGED TO FIND WAYS TO ACCOMMODATE YOURSELF OR TO SUCCEED THAT YOU WOULDN'T BE DISABLED. YOU WOULDN'T HAVE A LEARNING DISABILITY. SO THAT'S THE SORT OF BASICS. ONE OF THE -- I DON'T REALLY WANT TO GO INTO GREAT DETAIL ON THE BARTLETT CASE, BUT I WILL TELL YOU A LOT OF WHAT HAPPENED IN THE ADA AMENDMENTS ACT REACTED TO THE WIN IN BARTLETT WHICH WAS NOT A LOSS, BUT THERE WAS A 30TH PERCENTILE CUT OFF. THEIR EXPERT MADE IT UP, THINKING IT WAS, WELL, YOU KNOW, HE THOUGHT HE WAS BEING MAGNANIMOUS, AND WE REALLY TRIED TO CASE AROUND WHAT THE TESTING SHOWED AND WHAT IT DIDN'T SHOW. BECAUSE AS NOEL SAID, SHE DIDN'T TAKE THE NELSON DENNY, THERE ARE PROBLEMS WITH THESE TESTS. NO DIAGNOSTIC BATTERY IS

71

PERFECT, BECAUSE YOU CAN'T GET AT SOME OF THESE THINGS WITH WHAT IS ESSENTIALLY IN PAPER AND PENCIL MEASURED FOR THE MOST PART. SO PROCESSING SPEED TESTS HAVE A MOTOR COMPONENT. THERE'S ALMOST NO TEST THAT DOESN'T HAVE ANOTHER VARIABLE IN IT. SO YOU HAVE TO UNDERSTAND WHAT'S GOING ON. YOU HAVE TO LISTEN, LOOK, AND HEAR AND THAT'S WHY YOU NEED A CLINICIAN THAT HAS EXPERIENCE AND CAN INTEGRATE THAT INFORMATION. SO A CLINICAL EVALUATION IS MUCH BETTER THAN A CUT OFF WHICH WILL JUST OVER INCLUDE OR UNDER INCLUDE BECAUSE OF THE NATURE OF WHAT IT IS. A DISCREPANCY FORMULA WILL CAPTURE A LOT BUT NOT EVERYBODY. A CLINICAL EVALUATION IS GOING TO TAKE CARE OF WHAT WE WOULD CALL TYPE 1 AND TYPE 2 ERROR. YOU'RE NOT GOING TO OVER INCLUDE, YOU'RE NOT GOING TO UNDER INCLUDE, YOU'RE GOING TO GET THE RIGHT PEOPLE AND THAT'S WHY THE JUDGE FOUND THAT THAT WAS APPROPRIATE, THAT WAS WHAT WAS NEEDED TO DEMONSTRATE IT, THAT'S WHY CONGRESS HAS PICKED UP ON THAT. I WILL TELL YOU THAT IN BARTLETT'S TESTING, THERE WAS NO SCORE UNDER THE AVERAGE RANGE. WHAT'S HAPPENED IN

THE STANDARDIZED TESTING INDUSTRY IS THAT IN AN EFFORT -- BECAUSE THEY'RE ALL QUANTOIDS, IN AN EFFORT TO HAVE A NUMBER, BECAUSE NUMBERS ARE PERCEIVED TO BE OBJECTIVE AND, IN FACT, THEY'RE NOT ALL NECESSARILY OBJECTIVE, DEPENDS ON YOUR ASSUMPTIONS GOING IN AND WHAT YOU'RE TESTING AND NOT TESTING THAT IF YOU'RE GOING TO BE SUBSTANTIALLY LIMITED COMPARED TO MOST PEOPLE, MOST PEOPLE AVERAGE RANGE MEAN AT 50, AND YOU'RE GOING TO HAVE A PLUS OR MINUS ONE STANDARD DEVIATION, WHICH TAKES YOU TO THAT 16TH PERCENTILE. SO WHEN I HAVE CLIENTS WHO COME TO ME AND THEY'VE BEEN DENIED ACCOMMODATIONS, ONE OF THE FIRST THINGS I LOOK AT IS WHAT DO THEY HAVE UNDER THE 16TH PERCENT TILE? NOW I TELL YOU THEY DENY THOSE PEOPLE, TOO, SO IT'S A FAIRLY ARBITRARY PROCESS. I JUST YESTERDAY HAD A BIG BATH WITH AN AGENCY BECAUSE THEY HAD A YOUNG WOMAN WHOSE READING COMPREHENSION ON THE NELSON DENY WAS AT THE 50TH PERCENTILE, BUT WHEN THEY GAVE HER EXTENDED TIME IT WAS 89TH AND IN THEIR MIND, 50TH'S TOO HIGH AND THERE'S NOT ONE OTHER SCORE THEY COULD RELY ON. THE SCHOOL DIDN'T GIVE HER A LOT OF ACCOMMODATIONS. THERE'S A LOT OF SUPPORT THERE. SHE DIDN'T NEED ACCOMMODATIONS. IF THEY'RE NOT GIVING TIMED LIMITED TESTS, THEY DON'T NEED ACCOMMODATIONS. THE TEACHERS AREN'T HAVING PROBLEMS BECAUSE THEY'RE NOT GIVING THEM TIME LIMITS. THE CONTEXT IS EXTREMELY IMPORTANT IN DECIDING WHETHER A PERSON HAS A DISABILITY AND THE ACCOMMODATIONS YOU MIGHT NEED ON A STANDARDIZED TEST COULD BE VERY, VERY DIFFERENT THAN WHAT YOU WOULD NEED IN SCHOOL WORK. THE -- THERE'S A RECENT CASE CALLED ENYERT WHICH IS A VISUALLY IMPAIRED WOMAN WHO WAS DENIED ACCESS TO JAWS AND TO ZOOM TEXT TO TAKE THE BAR EXAM BECAUSE THE NATIONAL CONFERENCE OF BAR EXAMINERS, WHICH PRODUCES PART OF THAT EXAM, WANTED, YOU KNOW, THEY ONLY HAVE - THEY HAVE A VERY PAPER AND PENCIL BASED TEST. THEY WANTED TO GIVE

72

HER A READER AND THAT'S NOT HOW SHE FUNCTIONS AND AS WE SEE YOUNG PEOPLE COME UP USING TECHNOLOGY, THAT'S HOW THEY FUNCTION. YOU CAN'T MAKE THEM FUNCTION DIFFERENTLY ON A HIGH STAKES TEST. THAT'S UNFAIR AND IT'S DISCRIMINATORY AND IT DOESN'T -- YOU WOULDN'T ASK ANYBODY ELSE TO DO THAT. AND SO WE HAVE TO LOOK AT WHAT WE'RE READING, WHAT THE BASIS OF READING IT. THE FACT THAT WE'RE GIVING A LOT OF THESE STANDARDIZED TESTS AND THEN WE TAKE THE STANDARDIZE TESTS THAT HAVE GONE ON COMPUTER HAVE PRETTY MUCH BEEN THE PRINT TEST SLAPPED ON A COMPUTER. SO THERE'S BEEN NO SEPARATE VALIDATION OF THOSE TESTS FOR BEING PROCESSED ON LINE. AS NOEL SUGGESTED YOU BEEN, ONE OF THE ISSUES OF READING ON A COMPUTER IS YOU DON'T HAVE THAT KINESTHETIC THING. YOU CAN'T HIGHLIGHT THINGS, YOU CAPITAL MARGIN NOTE, WHICH ARE STRATEGIES THAT PEOPLE HAVE LEARNED TO USE. THEY MAY HAVE HELPED THEM NOT NEED AS MUCH EXTRA TIME BUT YOU PUT IT ON A COMPUTER AND THEY CAN'T HIGHLIGHT AND THEY CAN'T MARGIN NOTE AND THEY CAN'T DO THAT KIND OF THING. THEY NOW NEED MORE TIME BECAUSE IT'S ON A COMPUTER. SO I THINK THERE WAS THIS FALSE NOTION, I KNOW IT'S TRUE FOR SOME OF THE AGENCIES THAT THEY BELIEVED A COMPUTER WOULD MEAN THEY WOULD HAVE TO PROVIDE FEWER ACCOMMODATIONS. WELL IT COULD BE OR IT MIGHT NOT BE. AS BLIND PEOPLE WILL TELL YOU, YOU KNOW, MICROSOFT WITH ALL OF THEIR ICONS HAS MADE INACCESSIBLE WHAT DOS MADE ACCESSIBLE TO THEM A LONG TIME AGO. SO WE HAVE TO KNOW THAT WHENEVER WE CREATE NEW TECHNOLOGY, WE'RE ALSO POTENTIALLY CREATING NEW BARRIERS, SO WE'RE REALLY, AS NOEL SAID, COMPARING APPLES AND ORANGES A LOT WHEN IT COMES TO STANDARDIZED TESTING, WHICH IS NOT EXACTLY WHAT THIS COMMISSION IS ABOUT. IN FACT, THE PUBLISHING ISSUE IS BUYING UP ALL THE STANDARDIZED TESTS SO THE

CONNECTION BETWEEN THE PUBLISHING INDUSTRY AND STANDARDIZED TESTS IS BECOMING MORE CLOSE. IN FACT IT'S A FACTOR IN AMERICAN EDUCATION AND SINCE THIS IS ABOUT HIGHER EDUCATION, IT'S ABOUT THE TEST YOU USE TO GET INTO EDUCATION, TO MOVE ON TO EDUCATION, WHETHER YOU'RE GOING TO GO TO GRADUATE SCHOOL, YOUR PROFESSIONAL LICENSING, WHICH MANY HIGHER EDUCATION PROGRAMS LIKE TEACHER PROGRAMS, YOU KNOW, THEY REQUIRE THAT YOU BE ABLE TO MEET THE STANDARDS FOR LICENSING, OTHERWISE WHY ARE THEY BOTHERING TO EDUCATE YOU TO BE A TEACHER, RIGHT? SO EMBEDDED IN MANY OF THESE PROGRAM REQUIREMENTS ARE THEIR ABILITY TO PASS THE STANDARDIZED TEST LATER ON. IT'S TRUE FOR MEDICAL SCHOOL, AS WELL. IT'S LESS TRUE FOR LAW SCHOOL. SO LET ME JUST ALSO GET BACK TO A COUPLE OF WAYS IN WHICH THE POLICY IS AFFECTED BY THE ADA AMENDMENTS ACT, BECAUSE I'M NOT ENTIRELY SURE WHAT YOU GUYS ARE INTERESTED IN. FIRST OF ALL, TO THE EXTENT THAT THERE'S AN ISSUE AT ALL WITH REGARD TO ACCESS TO TECHNOLOGY AND WHO GETS IT AND WHO DOESN'T, THE JUSTICE DEPARTMENT CAME OUT WITH REGULATIONS PRIOR TO THE ADA AMENDMENTS ACT PASSAGE, SO IT'S BASED ON THE OLD ADA, SO IT'S NOT

73

EVEN A FUNCTION OF THE YOU NEW ADA, WHAT THEIR VIEW WAS THAT IF SOMEBODY HAS AN EVALUATION, THAT TAKES PRECEDENCE TO THE REVIEW OF THE STANDARDIZED TESTING ORGANIZATION. NOW, THEY'RE NOT COMPLYING PRETTY MUCH IN MY EXPERIENCE, BUT IT'S VERY CLEAR THAT THE PERSON WHO DID THE INDIVIDUALIZED ASSESSMENT HAS ACTUALLY TESTED THIS PERSON, TALKED TO THEM, OBSERVED THEM. THAT'S WHAT THEY'RE BEING PAID FOR. IF JUST GIVING A TEST YOU OR I COULD GIVE A THEFT TEST, IF IT WAS JUST A NUMBER ON A TEST. SO THERE'S A REAL -- A REAL DEFERENCE TO CLINICAL OPINION AND RECOMMENDATIONS. THERE'S ALSO A VERY CLEAR ADMONITION NOT TO DENY ACCOMMODATIONS TO PEOPLE WHO HAVE RECEIVED ACCOMMODATIONS IN THE PAST. UNLESS YOU HAVE SOME REAL LEGITIMATE ROBE TO DENY YOU SHOULD JUST PROVIDE THE ACCOMMODATION THAT'S REQUESTED. IT LITERALLY SAYS THAT. THAT'S ONE IMPORTANT ISSUE. THE OTHER IS WHEN IT COMES TO THE EEOC REGULATIONS THAT JUST CAME OUT THAT WERE MANDATED BY CONGRESS WHEN IT PASSED THE ADA AMENDMENTS ACT, THE REGULAR LAYINGS JUST FINALLY CAME OUT, THEY'RE EFFECTIVE MAY 24TH OF THIS YEAR. NEVERTHELESS, THE STATUTE'S EFFECTIVE AND ALL THE REGULATION DOES IS TELL YOU HOW TO INTERPRET THAT STATUTE AND HOW TO ENFORCE IT. SO ONE OF THE ISSUES WAS I TALKED ABOUT THIS 16TH PERCENTILE THING AND THAT IS THAT THEY'RE COMPARING SCORES TO SCORES. THE WAY WE WON THE BARTLETT CASE WAS SHOWING THE CONDITION, MANNER, AND DURATION IN HOW SHE READ. SHE READ WITHOUT AUTOMATICITY. SHE COULDN'T REMEMBER THE SPELLING. WE HAVE IN ENGLISH 26 LETTERS, 89 SPELLING COMBINATIONS, THAT'S IT. AND PEOPLE WITH LEARNING DISABILITIES DON'T REMEMBER THE WORDS THAT THEY'VE SEEN AGAIN AND AGAIN AND AGAIN. THEY WILL MIX UP THINGS THAT LOOK ALIKE, THINGS THAT SOUND ALIKE, AND THAT MEANS YOU HAVE TO GO BACK AND REREAD. AND YOU CAN TELL BY CONTEXT WHETHER OR NOT YOU'VE GOTTEN IT RIGHT. PARTICULARLY FOR VERY HIGHLY INTELLIGENT PEOPLE THAT CONTEXT CHECK IS VERY IMPORTANT FOR THEM. BUT THAT IS, IN FACT, NOT THE WAY MOST OF US READ. MOST OF US, IF YOU KNOW WHAT IT LOOKS -- WHAT THE WORD LOOKS LIKE, YOU RECOGNIZE IT AUTOMATICALLY. THAT'S NOT THE -- SOMETHING THAT PEOPLE WITH LEARNING DISABILITIES OFTEN DO. SO IN THE NEW EEOC REGULATIONS, THEY SPECIFICALLY RETAIN THE CONCEPT OF DURATION, MANNER, AND DURATION. NOT IN THE SENSE OF SEVERITY OF THE IMPAIRMENT, BUT AS FACTORS THAT CAN BE HELPFUL IN ANALYZING WHETHER AN IMPAIRMENT SUBSTANTIALLY LIMITS SOMEONE AND THEY GIVE THE EXAMPLE OF

LEARNING DISABILITIES BUT THEY ALSO GIVE THE EXAMPLE OF SOMEBODY WHO HAS ONE ARM WHO MIGHT BE ABLE TO FUNCTION JUST FINE BUT THEY WILL BE FUNCTIONING VERY DIFFERENTLY AND WITH GREATER EFFORT THAN PEOPLE WITHOUT THOSE IMPAIRMENTS. SO THE -- THE EEOC REGULATIONS THAT ARE OUT THERE ARE

74

VERY CLEARLY SUPPORTIVE OF PEOPLE WHO HAVE DIFFICULTY READING FAST ENOUGH, PEOPLE WHO HAVE DIFFICULTY WITH VARIOUS ASPECTS OF PROCESSING SPEED, WORKING MEMORY, THOSE KIND OF THINGS ARE VERY MUCH -- ARE COVERED BY THE LAW. A LOT OF THE DUKING OUT THAT WE'RE DOING IN OTHER CONTEXTS IS SOMETHING THAT I THINK IT DOESN'T MAKE ANY SENSE FOR THIS COMMISSION TO BUY INTO. I THINK THAT THE COMMISSION SHOULD REALLY FOLLOW THE REGULATIONS PRETTY CLEARLY AND MAKE SURE THAT PEOPLE WHO HAVE IMPAIRMENTS THAT HAVE BEEN DIAGNOSED THROUGH CLINICAL ACCEPTED MEANS ARE PROTECTED. BUT I ALSO THINK YOU NEED TO LOOK AT THE KINDS OF THINGS THAT THEY HAVE DIFFICULTY WITH AND THAT'S WHETHER YOU'RE READING EXPOSITORY TEXT. WE CAN'T CONTINUE TO MAKE THESE DECISIONS BASED ON SIMPLE TESTS LIKE READER'S DIGEST TYPE OF TESTS WHEN, IN FACT, WHAT IT IS WE'RE ASKING THEM TO DO IN A DIFFERENT CONTEXT IS MUCH MORE IMPORTANT AND MUCH MORE COMPLICATED. THERE'S MUCH MORE IN TERMS OF INFERENCING AND DRAWING CONCLUSIONS AND WORKING MEMORY AND ON LINE READING. SO I'VE KIND OF GONE AROUND A LITTLE BIT BECAUSE I'M NOT SURE WHAT YOU WANT TO HEAR, BUT I'LL STOP THERE AND I'LL CERTAINLY TAKE QUESTIONS. NOEL, I DON'T KNOW IF YOU'RE STILL THERE'S I'M STILL HERE, I'VE GOT FIVE MINUTES.

>>: DID I SAY ANYTHING WRONG?

>>: NO, I LOVED IT AT ALL.

>>: GOOD. THANK YOU VERY MUCH. CHESTER, PLEASE?

>>: YES, SIR.

>>: HELLO. MY NAME IS CHESTER FINN. I'M FROM NEW YORK AND I REPRESENT THE NATIONAL COUNCIL. THANK YOU FOR YOUR PRESENTATION. A LOT OF THE STUFF WAS SOME OF THE THINGS THAT WE WERE ARGUING ABOUT WHEN WE DID THE ADA AMENDMENTS. I WAS ON THE COMMITTEE THAT REPRESENTED, YOU KNOW, PEOPLE WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND OH, MAN, THERE WAS A LOT OF DISCUSSION ON WHAT HAPPENS WITH PEOPLE IN THEIR REAL LIVES AND HOW DOES THAT IMPACT -- YOU KNOW, A LOT OF PEOPLE WERE SAYING WE'VE GOT TO LISTEN TO THE BUSINESSES, BECAUSE THEY'RE GOING TO HIRE PEOPLE. AND A LOT OF IT CENTERED AROUND EMPLOYMENT AND NOT EVEN, YOU KNOW, EVERY DAY LIFE. AND IT WAS JUST GOOD TO HEAR, YOU KNOW, ALL THE THINGS AND ALL THE BREAK DOWNS OF HOW THINGS ARE. NOT ONLY DOES -- DO WE HAVE THESE PROBLEMS IN SCHOOL, IN COLLEGES AND THINGS, A LOT OF TIMES WHEN WE GET JOBS AND THINGS, OUR EMPLOYERS FIND WAYS TO DO SOME OF THE SAME THINGS TO US. AND WE DON'T HAVE A WAY TO FIGHT AGAINST IT.

>>: THANK YOU. STEPHAN? JOANNE, ONE OF THE -- ONE OF THE THINGS THAT EVERYONE ON THE COMMISSION IS STRUGGLING WITH, AND WE TALK ABOUT A LOT,

75

May 4, 2011 Transcript of Meeting

IS GETTING OUR ARMS AROUND INFORMATION THAT WILL INFORM US ON WHAT ACCESSIBLE MEANS, WHAT ACCESSIBLE MATERIALS LOOK LIKE, WHAT WE CAN WORK TOWARDS DELIVERING, AND THE INFORMATION THAT -- THAT DR. GREGG GAVE US ABOUT TESTS AND DISCREPANCY AND THOSE THINGS ARE VERY HELPFUL. THERE'S A -- THERE'S ANOTHER MOLDS OUT THERE THAT WE'RE SEEING A LOT IN PUBLIC EDUCATION THAT IS CONFUSING, AND I'M WONDERING --

>>: MIGHT THAT BE RTI?

>>: THE RESPONSE TO INTERVENTION.

>>: GARBAGE.

>>: I'M WONDERING -- WELL -- COULD YOU --

>>: SORRY.

>>: MY GUESS IS THAT -- MY GUESS IS THAT THERE ARE A LOT OF US WHO ARE -

>>: TELL ME IF YOU DISAGREE.

>>: I DON'T KNOW ANYTHING ABOUT IT.

>>: -- WHO DON'T KNOW ABOUT RESPONSE TO INTERVENTION, COULD YOU HELP US UNDERSTAND A LITTLE BIT BECAUSE IT'S A VERY REAL THINGS THAT NOT -- WE NEED TO KNOW MORE ABOUT THAT, BECAUSE IT IS IMPACTING THE COMMISSION'S WORK AND THE INFORMATION WE'RE GETTING AND WE DON'T KNOW IT.

>>: HERE'S THE ISSUE --

>>: JOANNE, CAN I JUST TOP -- I HAVE TO AGREE BUT I TOTALLY AGREE WITH JOANNE'S SUMMARY OF RTI? (applause)

>>: THANK YOU.

>>: THANK YOU NOEL.

>>: HERE'S THE THING. YOU HAVE TO LOOK AT A COUPLE OF FACTORS. WHO'S PROMOTING IT? WHAT THEY THINK IT WILL BE AND HOW IT MIGHT HAPPEN ON THE GROUND.

>>: CAN YOU START EVEN WITH WHAT IT IS?

>>: RESPONSE TO INTERVENTION IS AN APPROACH TO IDENTIFYING CHILDREN WHO NEED HELP READING, PROVIDING THEM WITH TARGETED INTERVENTIONS THAT WILL THEN PRODUCE IMPROVEMENTS, OKAY, REMEDIATING A LOT OF THE ISSUES THAT THEY HAVE. IN OTHER WORDS, KIDS WITH DYSLEXIA IS A CLASSIC EXAMPLE. THEY DON'T READ BY OSMOSIS LIKE A LOT OF OUR KIDS DO, REALLY WHOLE LANGUAGE, INTRODUCING CHILDREN TO LANGUAGE, BOOKS, READING TO THEM. THAT'S ALL GREAT. 50% OF KIDS ROUGHLY WILL LEARN TO READ NO MATTER HOW YOU TEACH THEM TO READ. BUT KIDS WITH DYSLEXIA ARE NOT GOING TO DO THAT, THEN THERE'S A WHOLE SLEW OF KIDS WHO AREN'T GOING TO LEARN BECAUSE MAYBE THEY'RE NOT DYSLEXIC BUT THEY NEED A STRUCTURED APPROACH TO READING. SO THEY NEED TO BE TAUGHT BY PEOPLE WHO UNDERSTAND HOW TO TEACH READING IN

THAT WAY. NOW, THE NATIONAL READING PANEL HAS ESSENTIALLY ENDORSED THAT KIND OF PROCESS WITHOUT NECESSARILY CALLING IT THAT. THEY HAVE THE FIVE PILLARS OF READING, BUT IT'S BASICALLY THAT. SO WE KNOW A LOT OF ABOUT

76

TEACHING READING AND WHAT RTI REALLY SHOULD BE ABOUT, WHEN I WENT TO GRADUATE SCHOOL WAS CALLED DIFFERENTIATED INSTRUCTION, DIAGNOSTIC PRINTIVE TEACHING, THERE ARE A LOT OF DIFFERENT NAMES FOR IT. WHICH IS YOU GIVE THE KID WHAT THEY NEED IN THE WAY THEY NEED IT IF YOU WANT THEM TO LEARN TO READ. IF YOU WANT THEM TO LEARN. IF N THAT RESPECT, IT'S GREAT. HOWEVER, IT WAS PROMOTED IN SOME WAYS TO HELP REDUCE THE NUMBER OF IDENTIFICATIONS FOR SPECIAL EDUCATION. NOW, TO THE EXTENT THAT YOU ACTUALLY PROVIDE THESE INTERVENTIONS AND CHILDREN ARE LEARNING AND THEY DON'T NEED -- THEY DON'T NECESSARILY NEED SPECIAL EDUCATION, BECAUSE ACTUALLY -- YOU'RE ACTUALLY WORKING WITH THEM AND LEARNING, THAT'S GREAT. THE BIG PROBLEM WE HAVE WITH IMPLEMENTING IT IS THAT IT'S NOT A DIAGNOSTIC PROCESS, IT DOESN'T MEAN THE CHILD DOESN'T HAVE DYSLEXIA. THEY MAY NOT NEED A LOT OF SPECIAL ED. THAT DOESN'T MEAN THEY'RE NOT DYSLEXIC. SO THAT'S WHY YOU HAVE TO SEPARATE OUT CLASSIFICATION AND WHETHER OR NOT THEY HAVE A DISABILITY. YOU CAN'T USE IT AS AN ALTERNATIVE TO A CLINICAL ASSESSMENT PROCESS. BUT SCHOOLS ARE DOING THAT. IT ALSO CANNOT BE USED AS A DELAY TACTIC TO SAY, WELL, LET'S GIVE THEM SOME STUFF AND THEN IF THEY DON'T PRODUCE, WE'LL GIVE THEM SOME MORE STUFF AND THEN IF THEY DON'T, THEN THEY'RE IN TIER 3 AND WE'LL CLASSIFY THEM. INSTEAD OF WAIT AND FAIL, YOU'VE MADE THEM WAIT SO THAT THEY FAIL. IT'S THE SAME PROBLEM, WHICH IS WE'RE WAITING FOR KIDS TO FAIL BEFORE WE GIVE THEM THE INTERVENTION THEY NEED AND SPECIAL EDUCATION THEY NEED AND THE PROTECTIONS THEY NEED. MOST OF THE TEACHERS IN THE COUNTRY REALLY DON'T KNOW HOW TO TEACH READING, I'M SORRY TO SAY THAT, AND THAT IS THAT THEY -- THE SCHOOLS OF EDUCATION HAVEN'T BEEN TEACHING THEM THOSE METHODS OF TEACHING READING. I KNOW SO MANY TEACHERS BECAUSE WE GO OUT TO THE SCHOOLS AND WE -- THE LITTLE PROGRAMS FOR PARENTS, HOW TO RECOGNIZE IF YOUR CHILD MIGHT BE DYSLEXIC. THE TEACHERS WILL SIT IN ON THOSE SESSIONS BECAUSE THEY DON'T KNOW. AND THEY SIT THERE AND THEY'RE LIKE HOW COME I DIDN'T KNOW THIS? WHEN WE DO TEACHER TRAINING, AND ONE OF OUR TRAINERS GOES OUT AND SAYS HOW MANY PHONEMES ARE THERE? 4. 36789: OKAY. HOW MANY SPELLING PATTERNS -- WHAT'S A MORPHEME? NOT YOU. SINGLE SMALLEST MEANINGFUL UNIT OF LANGUAGE, WHICH COULD BE A SYLLABLE, COULD BE A LETTER. S, S IS A PLURAL, IT'S A MORPHEME. PEOPLE DON'T KNOW THAT. PEOPLE MIX UP SYLLABLES WITH MORE FEMALES. NOT THE SAME THING. WE'RE NOT TEACHING TEACHERS HOW TO TEACH

77

READING VERY WELL. THEY'RE ANGRY THAT NOBODY HAS TAUGHT THEM THIS. THEY ARE ANGRY. THEY WANT TO KNOW HOW TO TEACH KIDS. SO RTI, IF IN A PERFECT WORLD COULD BE GREAT. WHAT IT'S BEEN USED AS, HOWEVER, IS A WAY TO AVOID CLASSIFYING CHILDREN. RTI RESEARCH HAS BEEN VERY, VERY TIGHTLY CONTROLLED RESEARCH BY PEOPLE WITH REALLY GOOD SKILLS GIVING THOSE TARGETED INTERVENTIONS AND IT HAS PROUD A GREAT DEAL OF PROGRESS IN MOST CHILDREN BUT BRINGING IT TO SCALE IS A VERY DIFFERENT THING. THE OTHER THING IS THAT -- AND THAT RESEARCH IS ALL LIKE, YOU KNOW, K THROUGH 2ND GRADE, FOR THE MOST PART. I GET KIDS -- I HAD A KID IN MASSACHUSETTS, FOR EXAMPLE, WHO THE SCHOOL SYSTEM FELT THAT THEY HAD TO USE RTI OR, QUOTE, BEST

PRACTICES, SO WHEN SHE WAS IDENTIFIED, INSTEAD OF CLASSIFYING HER, THEY GAVE HER BEST PRACTICES. THEY STARTED REALLY GIVING HER REASONABLE ACCOMMODATIONS WITHOUT CALLING YOU THE THAT. THEN THEY WOULDN'T -- BUT THEY WOULDN'T CLASSIFY HER. SO THEN THE COLLEGE BOARD DENIED HER ACCOMMODATIONS BECAUSE SHE WASN'T GETTING ACCOMMODATIONS FORMALLY IN SCHOOL. BUT THE PROBLEM IS THAT THE SCHOOL WAS GIVING ACCOMMODATIONS AND CALLING IT RTI. NOW, RTI IS NOT GOOD B GIVING ACCOMMODATIONS, IT'S TARGETED INSTRUCTION TO KIDS ON HOW TO READ. SO PEOPLE HAVE USED THIS UNFORTUNATELY IN A WAY THAT IS -- TURNS OUT, IN PRACTICE, TO NOT BE VERY HELPFUL. THE U.S. DEPARTMENT OF EDUCATION, ABOUT A MONTH AND A HALF AGO CAME OUT WITH AN ADVISORY OPINION WARNING SCHOOL SYSTEMS THAT RTI WAS NOT TO BE USED TO DELAY CLASSIFICATION. THAT IT WAS NOT -- HAD NOTHING TO DO WITH CLASSIFICATION. IT DIDN'T ALLOW YOU TO AVOID THAT BUT UNFORTUNATELY MANY, MANY SCHOOL SYSTEMS ARE DOING IT. IT'S NOT THAT YOU CAN'T GIVE GOOD THERAPEUTIC INSTRUCTION. YOU CAN TEACH ADULTS TO READ BY USING AN APPROACH AND TEACHING THEM STRUCTURE AND DIRECT INSTRUCTION AND READING. YOU CAN MAKE A LOT OF HEAD WAY WITH ADULTS SO IT'S NOT LIKE YOU'RE OVER THIRD GRADE AND IT'S GONE. BUT OBVIOUSLY YOU MAKE THE MOST PROGRESS IN YOUR EARLY YEARS. I'M SORRY TO RAMBLE ON.

>>: YEAH, I WANT TO MAKE SURE SINCE RTI IS IN THE K-12 DOMAIN AND WE'RE FOCUSED ON POST SECONDARY. AND THERE ARE INDIVIDUALS HERE WHO WOULD HAVE OTHER THINGS TO SAY ABOUT RTI, MYSELF INCLUDED BUT NOW'S NOT THE TIME FOR ME TO DO THAT. I WANT TO MAKE SURE THAT WE HAVE TIME FOR OTHER COMMISSION MEMBERS TO ASK QUESTIONS ABOUT SOME OF THE IMPORTANT LEGAL IMPEDIMENTS OR CHALLENGES.

>>: LET ME JUST SAY THE RTI THING -- AND, REALLY, AS I SAID, RTI, IF YOU FOLLOW IT THE WAY I THINK IT SHOULD HAVE BEEN DONE COULD BE VERY EFFECTIVE, BUT WE'RE FINDING IN HIGHER ED, KIDS WHO HAVEN'T BEEN IDENTIFIED BECAUSE THE SCHOOLS HAVE DONE EVERYTHING THEY CAN TO NOT IDENTIFY THEM. SO THAT BECOMES A HIGHER ED PROBLEM SOMETIMES BECAUSE WE

78

HAVE PEOPLE WHO A, DON'T KNOW THEY HAVE A DIFFICULTY, THEY STRUGGLED, FOUND VERY FUNKY WAYS TO ACCOMMODATE IT AND THEY'VE NOT BEEN EXPOSED TO WAYS OF APPROPRIATELY ACCOMMODATING THEIR DISABILITIES OR TO THE TECHNOLOGY ASPECT SO IT KIND OF BLEEDS IN.

>>: WHICH IS WHY THE LETTER WAS SO IMPORTANT. JIM?

>>: SO I JUST WANT TO GET SOME CONTEXT, JOANNE TO THE QUESTION OF WHAT ARE WE REALLY INTERESTED IN. I THINK WE'VE BEEN SPEAKING SOMEWHAT IN CODE.

>>: RIGHT.

>>: BUT A LOT OF THE ISSUES THAT WE FACE ARE THE DIFFERENT LEGAL REGIMES THAT WE OPERATE UNDER TO MAKE SERVICES AVAILABLE. SO AT ONE END YOU HAVE THE ADA OR 504. QUITE A NUMBER OF US DEAL WITH THE COPYRIGHT EXCEPTION, AND ONE OF THE HOT TOPICS IN THE COPYRIGHT EXCEPTION IS WHETHER DYSLEXIA IS A PHYSICAL DISABILITY, WHETHER M.D.S ARE THE ONLY PEOPLE WHO CAN CERTIFY DYSLEXIA. THESE ARE ACTIVE POLICY DEBATES HAPPENING ON A NATIONAL

May 4, 2011 Transcript of Meeting

LEVEL. SO WHEN WE GET EXPERTS IN AND WE SAY, WELL, IS DYSLEXIA PHYSICALLY BASED?

>>: YES.

>>: WELL, SHOULD YOU HAVE A CLINICAL PSYCHOLOGIST DO THE ASSESSMENT?

>>: YES.

>>: OR, NO, BECAUSE THERE IS A POSITION THAT SAYS A CLINICAL PSYCHOLOGIST IS UNQUALIFIED TO DETERMINE PRINT DISABILITY?

>>: THIS IS WHY WE NEED LEGISLATIVE AMENDMENTS. FIRST OF ALL, MY POSITION WITH REGARD TO CTI IS THAT IT'S -- PEOPLE WHO NEED ACCESS TO TEXT IT COMES IN UNDER FAIR USE. CHAFEE WAS A WAY OF ASSISTING BLIND PEOPLE WITH PRIMARILY PRINT IMPAIRED PEOPLE WITH WHAT I THINK WAS BELIEVED TO BE EXTRA PROTECTION FOR THEM WITHOUT HAVING TO SORT OF DEAL WITH THIS AMORPHOUS FAIR USE CONCEPT. BUT NOT MEANT TO LIMIT RIGHTS IT WAS MEANT TO EXPAND RIGHTS. SO I THINK CHAFEE IS -- WILL BE LESS NECESSARY OR LESS OF A CONCERN IN THE FUTURE, PARTICULARLY AS ELECTRONIC TEXT AND -- BECOMES THE NORM. BUT I THINK THAT IT REALLY COMES IN UNDER FAIR USE. THAT'S CERTAINLY MY POSITION AND THAT'S CERTAINLY A POSITION THAT ED HOLDS. THE OTHER ISSUE I THINK IS THE NOTION ABOUT M.D.S THAT CAME OUT OF THE LIBRARY OF CONGRESS YEARS AND YEARS AND YEARS AGO. M.D.S NEVER DID DIAGNOSIS OF DYSLEXIA. IN FACT, ONE OF THE BIG EFFORTS MY ORGANIZATION IS DOING IN NEW YORK IS WORKING ON CREATING A BROCHURE THAT WE CAN LEAVE AT PEDIATRICIAN'S OFFICES, BECAUSE THEY DON'T KNOW VERY MUCH ABOUT DYSLEXIA, AND THEY'RE THE PEOPLE THAT PARENTS GO TO FIRST. AND THE -- SO DOCTORS DO NOT DO THAT. THERE ARE A FEW M.D.S THAT DO IT, BUT NOT BECAUSE THEY'RE M.D.S. SALLY'S AN MD, BUT SHE'S NOT DOING THIS BECAUSE SHE'S AN M D. I DO KNOW A FEW THAT DO THIS KIND OF WORK BUT VERY FEW. YOU'RE TALKING ABOUT CLINICAL PSYCHOLOGISTS. NOW MOST PEOPLE HAVE PEOPLE

79

WHO ARE SCHOOL PSYCHOLOGISTS WHO MAY BE MASTER'S TRAINED PEOPLE, THEY MAY BE EXTREMELY QUALIFIED. THE SCHOOL SYSTEMS TEND TO, BECAUSE OF BUDGET ISSUES, DO LESS TESTING THAN MORE. SO YOU DON'T GENERALLY GET A VERY THOROUGH ASSESSMENT IN THAT ENVIRONMENT. SO I DON'T -- I DON'T THINK THAT -- AND IF YOU LOOK AT THE GUGGENBERGER CASE, THE COURT FOUND THAT IN FACT THERE WAS NO REASON TO REQUIRE A PSYCHOLOGIST OR LICENSED PROFESSIONAL TO DO AN ASSESSMENT AND THE PEOPLE IN THE FIELD DO NOT DISPUTE THAT FOR THE MOST PART. THERE ARE CERTAINLY PEOPLE THAT ARE BETTER QUALIFIED THAN OTHERS BUT THAT'S TRUE ANYWHERE OF ANY FIELD.

>>: THANK YOU. OTHER QUESTIONS? GAIER? WE HAVE TIME FOR ONE OR TWO QUESTIONS THEN WE'LL HAVE A BREAK.

>>: AND THIS IS SORT OF RELATED BECAUSE ONE OF THE CONCERNS I THINK ABOUT CONVEYOR CLARIFYING THAT DEFINITION IN CHAFEE THAT LEARNING DISABILITY IS REALLY AN ORGANIC PHYSICALLY --

>>: IT'S BRAIN BASED FOR SURE. WHETHER IT'S ORGANIC OR NOT, DEPENDS ON YOUR DEFINITIONS OF ORGANIC. IT'S TRUE.

>>: YEAH.

>>: DO YOU THINK THERE IS AN ENORMOUS NUMBER -- MAYBE I SHOULD REPHRASE THAT. WHAT DO YOU THINK THE NUMBER IS IN HIGHER ED OF PEOPLE WHO, IF WE EXPANDED THIS DEFINITION OF CHAFEE TO INCLUDE CLEARLY PEOPLE WHO HAVE LEARNING DISABILITIES, WHAT THAT NUMBER WOULD JUMP UP TO?

>>: OKAY. I DON'T KNOW ABOUT IN HIGHER ED, BECAUSE I DON'T THINK WE'VE HAD TERRIFIC DATA ABOUT PEOPLE. AND YOU HAVE PLENTY OF PEOPLE WITH LEARNING DISABILITIES THAT AREN'T IDENTIFIED THROUGH THE DISABILITY SERVICES OFFICES AND IN SOME STATES THAT'S ENCOURAGED. WHERE YOU DON'T HAVE TO REGISTER, IT'S A CIVIL RIGHTS ISSUE. BUT WE KNOW THAT I THINK IT'S ROUGHLY 30 MILLION PEOPLE HAVE SOME LEARNING DISABILITY. SO THAT'S A PRETTY HIGH -- IT'S A PRETTY HIGH INCIDENCE DISABILITY. I ALSO THINK THAT THERE'S A LOT OF CO-MORBIDITY WITH ATTENTION DEFICIT AND SO YOU'VE GOT A LOT OF THOSE SORT OF EXECUTIVE FUNCTION ISSUES AND WHAT NOT PEOPLE WITH ATTENTION DEFICIT MAY ALSO NEED ACCESS TO ELECTRONIC TEXT, SO IT'S NOT JUST THE PEOPLE THAT ARE, QUOTE, DYSLEXIC OR LEARNING DISABLED. OF COURSE, I THINK, ACCESS TO TEXT IS SOMETHING THAT PEOPLE WITH A WHOLE VARIETY OF IMPAIRMENTS MIGHT NEED. I PERSONALLY THINK THAT CHAFEE INTENDED FOR PRINT DISABILITY, WHAT THEY UNDERSTOOD IN 1931 ABOUT PRINT DISABILITY IS DIFFERENT THAN WHAT WE UNDERSTAND TODAY AND I THINK THAT DEFINITION SHOULD BE EXPANDED GREATLY. I THINK THAT A LOT OF PEOPLE IN THE VISUALLY IMPAIRED COMMUNITY WOULD NOT OBJECT TO THAT. BUT I THINK A LOT OF WHAT WE'RE TALKING ABOUT HERE REALLY ISN'T ABOUT CHAFEE, IT'S

80

ABOUT STUFF COMING OUT OF THE BOX BEING ELECTRONIC.

>>: ANY OTHER LAST QUESTION BEFORE WE BREAK? (NO RESPONSE).

>>: AND I APOLOGIZE ABOUT THE RTI, I'M JUST VERY FRUSTRATED.

>>: WE'LL TALK PRIVATELY. AND I THANK YOU AND NOEL WHO'S PROBABLY ALREADY LEFT, BUT WE THANK HER, AS WELL.

>>: THANK YOU.

>>: WE'LL BREAK NOW FOR -- COME BACK AT, WHAT, GAIER, ABOUT 2:20?

>>: OKAY. 2:20.

>>: OKAY. 2:20 IT IS. (applause)

(RECESS TAKEN.)

>>: OKAY. PLEASE TAKE YOUR SEATS. I JUST WANTED TO MENTION A COUPLE THINGS. SKIP STAHL DOWNLOADED FOR US AND ADDED TO OUR DROPBOX FOR THE OHIO MEETING THE VPAT FROM VITAL SOURCE. I KNOW VPAT AND SECTION 508 HAVE COME UP A NUMBER OF TIMES TODAY. THEY HAVE A NICELY WRITTEN VPAT ACTUALLY THAT GOES THROUGH THE SUBSECTION B STANDARDS OF SECTION 508 AND ACTUALLY SPELLS OUT WHAT THE ACTUAL STANDARD IS, HOW THEY MEET OR DON'T MEET THE

May 4, 2011 Transcript of Meeting

STANDARD. IT IS A REALLY NICE EXAMPLE FOR THOSE OF YOU WHO WANT TO SEE SOMETHING LIKE THAT AND HAVE A BETTER UNDERSTANDING OF WHAT THESE VOLUNTARY PRODUCT ACCESSIBILITY TEMPLATES ARE ALL ABOUT. I WANTED TO MAKE SURE EVERYONE KNEW THAT WAS THERE. ALSO, I WANT TO THANK AGAIN THE SUPPORT THAT WE RECEIVED FROM CAST, SKIP STAHL, EVERYTHING THAT HE AND SCOTT ARE DOING TO MAKE SURE THAT WE HAVE THE TECHNOLOGY IN PLACE. AND MY ANGEL TODAY, MARY UP THERE, WHO HAS BEEN MAKING SURE I ACTUALLY GET TO HAVE BREAKS AND HAVE WATER. THANK YOU VERY MUCH. AND ALSO, ELIZABETH FROM DAVE BERTHIAUME'S OFFICE, WHO ALSO SUPPORTS US. MAYBE NOT AS OBVIOUS OF A WAY, BUT DOES A LOT OF BEHIND THE SCENES WORK AND I FOE HELPS DAVE QUITE A LOT. I WANT TO MAKE SURE YOU ARE ACKNOWLEDGED PUBLICLY. LET'S GIVE THEM A ROUND OF APPLAUSE, PLEASE. (applause) OKAY. SO WE ARE GOING TO MOVE INTO THE FINAL SEGMENT TODAY, WHERE WE WANT TO TALK ABOUT -- WE HAD A DEFINITION OF -- DIDN'T WE HAVE A DEFINITION OF ELIGIBLE STUDENTS? WE DID THAT, DIDN'T WE, TUCK? YES, WE DID A DEFINITION OF ELIGIBLE STUDENTS. DO WE HAVE A SLIDE OF THAT?

>> DAVE, DID YOU WANT SECTION 772, OR --

>> THAT'S JUST BLIND. THIS IS NOT WHAT WE WANT.

81

>> PRINT DISABILITY. WHAT WE CAME UP WITH AS A COMMITTEE? WHAT WE CAME UP WITH AS A TASK FORCE IS A PRINT DISABILITY MEANS WITH RESPECT TO AN INDIVIDUAL, PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS THE INDIVIDUAL IN SEEING AND READING.

>> THANK YOU. SO WE'RE CONTRASTING THAT WITH THE CURRENT DEFINITION UNDER CHAFE FEE, WHICH IS WHAT EVERYONE IS POINTING TO. AND I THINK THERE IS A COUPLE DIFFERENT ISSUES HERE. ONE IS THE CHAFFEE DEFINITION REALLY VIABLE OUTSIDE OF THE NATIONAL LIBRARY SERVICES, FOR WHOM IT WAS ORIGINALLY WRITTEN. I THINK ONE OF THE THINGS THAT'S ENDED UP HAPPENING IS THAT FREQUENTLY, THAT DEFINITION IS POINTED TO, BECAUSE IT IS THE ONLY DEFINITION THAT'S THERE. SO THE HIGHER ED REAUTHORIZATION ACT, I MAY BE STATING THAT WRONG, HEOA -- POINTS TO CHAFFEE. BUT I THINK THE REASON IT POINTS TO CHAFFEE IS BECAUSE THAT'S WHAT'S THERE. NOT BECAUSE IT'S NECESSARILY AN ACCURATE DEFINITION OR THE BEST DEFINITION. SO I THINK WE NEED TO HAVE A DISCUSSION OF A NUMBER OF THINGS HERE. I THINK WE NEED TO TALK ABOUT DO WE WANT TO RECOMMEND POTENTIAL CHANGE TO THE CHAFFEE LANGUAGE, ON OR DO WE EVEN NEED TO. DO WE SIMPLY WANT TO PUT OUT A NEW DEFINITION, WHICH TUCK JUST READ, OF WHAT A PRINT DISABILITY IS THAT MAY BE NOW MAYBE CAN WE AGAIN TO POINT TO THAT DEFINITION INSTEAD OF THE CHAFFEE DEFINITION. AND THEN THERE IS ANOTHER ALTERNATIVE, WHICH WOULD BE TO KIND OF DO WHAT AT LEAST I THOUGHT DR. NOEL GREGG WAS TALKING ABOUT, TRYING TO IMPROVE THE SCIENTIFIC LITERACY OF WHERE WE ARE TODAY AS OPPOSED TO WHERE WE WERE BACK WHEN THE CHAFFEE DEFINITION WAS WRITTEN, TO INCLUDE THE FACT THAT PRINT DISABILITIES, RATHER LEARNING DISABILITIES, ARE A NEUROLOGICALLY BASED DISABILITY, NOT A LACK OF EDUCATION. AND I DON'T KNOW IF, CHRIS, YOU KNOW ENOUGH HISTORY OF THE CHAFFEE AMENDMENT AND PERHAPS -- BUT 9 MY UNDERSTANDING IS THE REASON IT WAS LIMITED WAS PARTLY BECAUSE THEY DIDN'T WANT TO BE SORT OF OVERGENEROUS WITH TAXPAYER MONEY IN MATERIALS OF WHO THEY WERE GOING TO GIVE IT TO, AND IT WAS NOT

## May 4, 2011 Transcript of Meeting

MEANT AS A REMEDIATION TOOL FOR PEOPLE WHO HAD NOT HAD A GOOD EDUCATIONAL BASIS. IT WAS REALLY DESIGNED FOR SOMEBODY WHO HAD A DISABILITY.

>> YEAH. ALL OF THE LIMITATIONS IN CHAFFEE WERE PUT IN PLACE IN AN ATTEMPT TO SERVE ONLY THE NARROW CLASS OF PEOPLE THAT CONGRESS INTENDED WITHOUT DOING ANY HARM TO THE PUBLISHERS' EXISTING MAINSTREAM MARKETS. THAT'S TRUE OF ALL COPYRIGHT, IT IS NOT TO CHAFFEE, IT IS A STANDARD CHARACTERISTIC IN THE COPYRIGHT LAW. ONE THING I WILL MENTION AS A BACKDROP, KEEP IN MIND AS WE HAVE THE DISCUSSION, IF YOU BELIEVE A MARKET MODEL WILL SERVE A SUBSTANTIAL NUMBER OF STUDENTS, THE NUMBER OF STUDENTS THAT ARE SERVED BY AN EXCEPTION IN COPYRIGHT WILL ACTUALLY -- SHOULD GET SMALLER. KEEP THAT IN MIND, YOU'RE THINKING ABOUT THE STUDENT, AS WE HAVE THIS DISCUSSION, WE'RE ONLY TALKING ABOUT THE STUDENTS WHO ARE NOT ADEQUATELY SERVED BY THE MARKET MODEL. I REALIZE IT IS SORT OF DIFFICULT

82

TO KEEP THAT IN MIND WHEN WE DON'T KNOW WHAT THE MARKET MODEL LOOKS LIKE, BUT AS AN ABSTRACT CONCEPT, WE NEED TO KEEP THAT IN MIND.

>> I THINK QUITE HONESTLY, IT IS A MOVING TARGET. BECAUSE IF A LOT OF WHAT WE HAVE SPOKEN ABOUT EARLIER IN THIS LAST DAY AND A HALF COMES TO CAST TASK, WHERE WE ACTUALLY HAVE ELECTRONIC VERSIONS OF BOOKS THAT ARE TEXT AND NOT PICTURES OF TEXT, THAT ACTUALLY SCREEN READERS AND TEXT TO SPEECH TECHNOLOGY IS ABLE TO GO IN AND SPEAK, THEN THAT WILL FURTHER REDUCE THE NEED FOR ANY OF THE SORT OF CHAFFEE LIMITATION UNDER COPYRIGHT. THAT BEING SAID. I THINK THERE IS A BROAD AGREEMENT THAT THERE WILL ALWAYS BE BOOKS, LEGACY MATERIALS IN PARTICULAR, THAT WE ARE NOT GOING TO HAVE AVAILABLE TO US THROUGH A MARKET MODEL SOLUTION. SO THEN THIS QUESTION OF IF WE WANT TO STICK WITH THIS DEFINITION, HOW WE WANT THAT TO LOOK, WHAT WE WANT TO DO WITH THAT, THEN BECOMES STILL A TOPIC THAT WE NEED TO DISCUSS. I THINK THE FIRST QUESTION REALLY ON THE TABLE, BECAUSE THIS IS PART OF WHAT WE'VE BEEN ASKED TO DO AS A COMMISSION, IS TO SAY, WHAT DO WE WANT TO DO WITH CHAFFEE? DO WE WANT TO ACTUALLY PROPOSE ANY SORT OF A REWRITE OF CHAFFEE? DO WE WANT IT TO PROPOSE SOME SORT OF A CLARIFYING DOCUMENT, SUPPORTED BY INDIVIDUALS LIKE DR. NOEL GREGG, WHO CAN SPEAK CLEARLY TO THE NEUROLOGICAL ASPECTS OF THIS, OR HOW DO WE WANT TO APPROACH THAT. I WOULD LIKE TO OPEN IT UP FOR DISCUSSION. TUCK TINSLEY?

>> GAIER, I WOULD LIKE TO STATE THAT THE -- IN LS LAW, AND THE DEFINITION COULD PROBABLY STAND UPDATING, BUT A CONCERN WOULD BE IF WITHIN THE FRAMEWORK OF CHAFFEE, WE TRY TO PUSH TOO HARD OR CHANGE THE POPULATION TOO MUCH, THERE COULD BE A RESULTING ELIMINATION. IT IN IT SELF HAS SERVED US WELL IN PROVIDING THINGS ON A MORE TIMELY BASIS AND SO FORTH. IF WE CAN DO IT OUTSIDE, AND I DON'T KNOW HOW WE WOULD DO THAT, BUT OUTSIDE CHAFE AT THIS POINT, I THINK IT WOULD SERVE US WELL.

>> JIM?

>> YES. I WOULD SAY OUR INTERESTS ARE PROBABLY ARE NOT IN REWRITING CHAFFEE. PARTLY BECAUSE I THINK WE AGREE IN GENERAL THERE IS A BIGGER CROP OF STUDENTS WHO NEED SERVICES. THE LAST PRESENTATION ACTUALLY TALKS ABOUT THIS MUCH BROADER CLASS OF DISABLED STUDENTS WHO MIGHT BE BENEFITED

THROUGH THIS AND HE SERVED THROUGH A MODEL. BUT I THINK OUR MAIN INTEREST IS ACTUALLY MAKE A RECOMMENDATION TO THE LIBRARY OF CONGRESS THAT IMPLEMENTS CHAFFEE TO ACKNOWLEDGE THE SCIENCE WE JUST HEARD ABOUT, THAT THE BEST QUALIFIED PEOPLE TO DIAGNOSE SEVERE LEARNING DISABILITIES ARE PEOPLE WHO HAVE CREDENTIALS AND EXPERTISE IN THAT AREA, AND THAT WOULD BE A COMPETENT AUTHORITY UNDER THE LAW. AND SO THAT'S PROBABLY ABOUT AS FAR AS WE WANT TO GO, BECAUSE WE'RE PRETTY CLEAR MOST OF THE PROBLEM IS GOING TO BE SOLVED THROUGH OTHER MECHANISMS THAN CHAFFEE. BUT WE NEED CHAFFEE AS THE SAFETY NET BACK STOP TO REALLY MAKE SURE WE CAN SERVE THE STUDENTS

83

THAT ARE BEING SERVED TODAY, WHICH ARE ON THE ORDER OF THE 1 PERCENT MOST SEVERELY DISABLED, WHICH I THINK IS HONORING THE BARGAIN THAT WAS CERTAINLY ON THE TABLE AT THE TIME CHAFFEE WAS PASSED, WHICH IS A MINIMAL AMOUNT OF THE POPULATION.

>> OTHER DISCUSSION? SO THE CONSENSUS I'M HEARING IS THAT WE DON'T REALLY WANT TO TRY TO CHANGE CHAFFEE DIRECTLY, BUT WE DO WANT TO HAVE SOME LANGUAGE, A DOCUMENT WE CAN SUBMIT, THAT EXTENDS THE FACT THERE IS A SCIENTIFIC BASIS THAT SHOWS THAT A LEARNING DISABILITY IS A NEUROLOGICAL, ON ORGANIC DISABILITY, IT IS NOT AN EDUCATIONAL ISSUE, IT IS AN ACTUAL VERIFIED DISABILITY, AND THAT THE COMPETENT AUTHORITY FOR DIAGNOSING, I GUESS WOULD BE THE WORD, THAT DISABILITY IS NOT A MEDICAL DOCTOR, BUT IS A QUALIFIED LEARNING DISABILITY SPECIALIST, PSYCHOLOGIST, LD TESTING PERSON, WHATEVER THE PROPER TERMINOLOGY FOR THAT CLASSIFICATION OF INDIVIDUALS IS. DO I HAVE BROAD SUPPORT FOR THAT FROM THE COMMISSION? JIM WENDORF?

>> TAKING MY VICE CHAIR HAT OFF, I THINK THAT WOULD MAKE A LOT OF SENSE, SO THE INTENT IS NOT TO DRIVE A TRUCK THROUGH CHAFFEE. IT IS TO ACKNOWLEDGE THAT THERE IS A GROUP OF PRETTY SEVERELY DYSLEXIC STUDENTS WHO ABSOLUTELY QUALIFY. BUT THE LANGUAGE, AS IT NOW IS WRITTEN, IS NOT REALLY CLEAR ENOUGH TO ACKNOWLEDGE THAT THEY DO QUALIFY. AND I AGREE WITH JIM THAT THERE IS A BROADER GROUP OF STUDENTS WITH DISABILITIES, LEARNING DISABILITIES, PROBABLY ATTENTION DEFICIT DISORDER AND OTHER THINGS, WHICH COULD BENEFIT AND COULD BENEFIT IN WAYS THAT THE MARKET -- IN WAYS THAT THE MARKET COULD ADDRESS.

>> THANK YOU. OKAY. THAT WAS EASY. I DO HAVE ONE SORT OF CONSIDERATION THAT I WOULD LIKE TO THROW OUT. AND I DON'T THINK THIS WOULD BE NECESSARILY A REWRITE OR ANYTHING SPECIFICALLY ABOUT CHAFFEE. BUT I'M WONDERING IF IT MIGHT BE ACTUALLY POSSIBLE TO ON GET AN ADDITIONAL LINE OF EXCLUSIONARY LANGUAGE THAT BASICALLY SAYS THAT IF THE END PRODUCT THAT YOU'RE GOING TO IS BRAILLE, THAT THERE IS NOT AN ISSUE WITH COPYRIGHT. I MEAN, IF BRAILLE IS WHERE YOU'RE GOING, EVERY TIME I'VE TALKED TO PUBLISHERS ABOUT THIS, WHAT THEY HAVE SAID IS WE'RE NOT CONCERNED ABOUT BRAILLE. WE'RE JUST NOT CONCERNED ABOUT BRAILLE. I'M JUST WONDERING IF THERE MIGHT BE SUPPORT FOR THAT, AS WELL.

>> I'M SORRY. I DIDN'T UNDERSTAND WHAT YOU WERE SAYING, GAIER.

>> THAT RIGHT NOW, CHAFFEE IS ACTUALLY WRITTEN WITH PHONO RECORDS, DATED LANGUAGE, BUT THE IDEA BEING ELECTRONIC AND ALL THESE DIFFERENT THINGS.

May 4, 2011 Transcript of Meeting

I'M WONDERING IF WE CAN LEAVE CHAFFEE ALONE BUT ALSO ADD LANGUAGE THAT SAYS THAT IF YOU ARE PRODUCING MATERIALS IN BRAILLE, THAT YOU DON'T NEED TO GET COPYRIGHT, YOU KNOW, IT IS NOT EVEN AN ISSUE. I DON'T KNOW THE PROPER LANGUAGE.

84

>> I'M NOT SURE, YOU'RE SAYING ADD THAT TO CHAFFEE. I THINK THAT'S DONE. I THINK THAT'S THE WAY IT REALLY IS NOW.

>> IT'S A DONE DEAL?

>> WE DON'T HAVE A BIT OF PROBLEM WITH THAT

>> I AGREE WITH TUCK

>> OKAY, GREAT.

>> I GUESS I'M AT A LOSS. GAIER, I'M NOT OBJECTING. I'M AT A LOSS

>> ACCORDING TO TUCK AND JIM, WE DON'T NEED TO WORRY ABOUT IT. SO I DON'T THINK YOU NEED TO WORRY ABOUT THAT.

>> I THINK WE'VE GOTTEN SUCH TREMENDOUS SUPPORT FROM THE PUBLISHING INDUSTRY FOR DELIVERING BRAILLE TO PEOPLE WHO NEED IT, THERE HAS NEVER BEEN A QUESTION THAT ALL OF THE STAKEHOLDERS ARE ON THE SAME PAGE AS FAR AS THAT'S ADDRESSED

>> THAT'S NICE. FOR THOSE OF US WHO LOVE BRAILLE, WE APPRECIATE THAT. SO THEN WE HAD SUPPORT BEFORE FOR THE DEFINITION THAT TUCK READ EARLIER THAT CAME OUT OF TASK FORCE 1 ON THE DEFINITION OF PRINT DISABILITY. AND I THINK THEN MAYBE THE DISCUSSION MIGHT BE HOW TO PRESENT THAT IN SUCH A WAY THAT WE CLARIFY WE WOULD LIKE LEGISLATURE TO STOP POINTING TO CHAFFEE ALL THE TIME AND TO LOOK AT A DEFINITION THAT'S MORE IN ALIGN WITH THE ADA -- WHAT DO YOU CALL IT, AD TRIPLE A?

>> WE SAY AMERICANS WITH DISABILITIES AMENDMENT ACT, OR ADA AMENDMENTS ACT

>> I LIKE AD TRIPLE A. BUT I AM A MATH NERD. WHAT CAN I SAY.

>> GAIER, THERE WERE A COUPLE PEOPLE NODDING THEIR HEADS ON THE AGREEMENT TO THE DEFINITION. I THINK THEY MAY NOT HAVE ATTENDED THE MEETING, CONFERENCE CALL WE HAD -- LAST CONFERENCE CALL WE HAD, WHICH WE DID COME TO CONSENSUS. BUT I WOULD LIKE TO READ IT AGAIN, JUST FOR EVERYONE'S CLARIFICATION. PRINT DISABILITY MEANS WITH RESPECT TO AN INDIVIDUAL A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS THE INDIVIDUAL IN SEEING OR READING. AND THAT'S WHAT WE HAD AGREED TO.

>> OKAY. THANK YOU. SO THAT LEAVES US, THEN -- I'M SORRY. LINDA?

>> I JUST HAVE PROBLEMS WITH THE WORD MENTAL. MAYBE NEUROLOGICAL? I GUESS MY PSYCHOLOGICAL ROOTS IMPLIES THE MENTAL HAS DIFFERENT IMPLICATION THAN IS ACCURATE

May 4, 2011 Transcript of Meeting

>> PERHAPS WE NEED TO INCLUDE BOTH. BETSEY?

>> I JUST WANTED TO PROVIDE CLARIFICATION ON THAT, BECAUSE I HELPED IN THE DRAFTING OF THIS DEFINITION. WHAT WE TRIED TO DO WAS TRACK THE LANGUAGE IN THE AMERICANS WITH DISABILITIES ACT, SO THAT ANY DEFINITION

85

THAT WE CAME UP WITH HERE IN THE COMMISSION WOULD ALSO BE A SUBSET UNDER THE DEFINITION OF DISABILITY IN THE LAWS -- CIVIL RIGHTS LAWS ENFORCED BY OCR

>> DO YOU HAVE ANY PROBLEM WITH ADDING NEUROLOGICAL?

>> I THINK THE ISSUE WITH THAT WOULD ONLY BE IT WOULD NO LONGER TRACK THE DEFINITION IN OUR CIVIL RIGHTS STATUTES.

>> THEN I'M LOST WITH TRACKING CIVIL RIGHTS STATUTES

>> IN OTHER WORDS, IT WOULDN'T PARALLEL.

>> NOT THAT LONG AGO, ABOUT 20 YEARS AGO, THERE WAS SOMEBODY THAT WAS DYSLEXIC, THEY THOUGHT THEY HAD EMOTIONAL PROBLEMS AND IT WAS MENTAL. IN OTHER WORDS, IT WAS A DISTURBANCE. I'M JUST GIVING YOU MY EXPERIENCE. I DON'T KNOW THE LAW. I HAVE NO EXPERIENCE WITH THAT. I KNOW LDA AND THE ORGANIZATIONS DO USE NEUROLOGIC IMPAIRMENT. IS THERE SOME NEGOTIATION HERE, OR NOT? I DON'T KNOW HOW IMPORTANT THIS IS EITHER. BUT MAYBE IT COULD BE VERY IMPORTANT.

>> COULD WE ASK TUCK TO READ IT AGAIN?

>> PRINT DISABILITY MEANS WITH RESPECT TO AN INDIVIDUAL A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS THE INDIVIDUAL IN SEEING OR READING.

>> IS THERE ANYTHING IN CIVIL RIGHTS LAW ABOUT MENTAL OR PHYSICAL, BETSEY, WE SHOULD KNOW ABOUT?

>> THAT'S JUST THE DEFINITION WE USE. OBVIOUSLY LEARNING DISABILITIES FALL UNDER THE CATEGORY OF DISABILITIES THAT ARE PROTECTED BY THE CIVIL RIGHTS LAWS. THEY FALL UNDER THAT HEADER

>> THAT'S PULLED FROM ADA

>> THAT'S PULLED FROM THE ADA. THAT'S WHERE WE GOT IT

>> I'M TRYING TO BRING US UP TO THE SCIENCE. SOMETIMES THE LAW AND THE SCIENCE ARE DIFFERENT AND THE WORDS ARE DIFFERENT.

>> I THINK IN THIS CASE, IT IS CONSIDERED A PHYSICAL DISABILITY

>> PHYSICAL WOULD BE FINE

May 4, 2011 Transcript of Meeting

>> PHYSICAL IS IN THERE. IT IS PHYSICAL OR MENTAL. THAT WOULD INCLUDE YOUR DEVELOPMENTAL DISABILITIES INSTEAD OF THOSE THINGS. BETSEY, ARE YOU LOOKING FOR SOMETHING?

>> I WAS TRYING TO FIND THE DEFINITION OF DISABILITY IN THE STATUTE

>> I HAVE A BIGGER QUESTION. HOW DOES THIS FIT INTO THE WHOLE COPYRIGHT LAW? BECAUSE YOU CAN'T BYPASS COPYRIGHT

>> THIS HAS NOTHING TO DO WITH COPYRIGHT

>> I DON'T UNDERSTAND.

>> HOW DOES IT INTERFACE? BECAUSE YOU STILL HAVE TO FOLLOW COPYRIGHT.

>> THIS HAS ABSOLUTELY ZERO TO DO WITH COPYRIGHT, BECAUSE WE'VE DECIDED NOT TO TOUCH CHAFFEE, WHICH -

86

>> BUT YOU STILL -- IN YOUR UNIVERSITY, YOU STILL HAVE TO OBEY COPYRIGHT LAW.

>> AND WE ALSO HAVE DISABILITY LAW. WHAT WE ARE DOING IS UNDER DISABILITY LAW, ACTUALLY COMING UP WITH A DEFINITION FOR PRINT DISABILITY

>> GAIER, THIS IS SKIP. ONE OF THE ISSUES THAT HAS COME UP A NUMBER OF TIMES IS THERE ARE A NUMBER OF TERMS THAT THE COMMISSION HAS BEEN ASKED TO ADDRESS. SO WE REPEATEDLY GO AROUND WITH DEFINITIONS. THIS DEFINITION THAT BETSEY AND A NUMBER OF FOLKS HAVE CRAFTED IS ALIGNED WITH EXISTING CIVIL RIGHTS STATUTE. ESSENTIALLY REPRESENTS WHAT THE COMMISSION MEANS WHEN IT USES THIS TERM. SO IT REALLY -- IT WAS IN RELATION TO THE COMMISSION-SPECIFIC WORK AND IDENTIFYING THAT. NOW, THE TERM COULD BE -- THERE COULD BE A SUBSEQUENT LINK FROM THIS COMMISSION'S DEFINITION TO EXISTING DEFINITION THAT -- ABSENT THE CHAFFEE DEFINITION. BUT I THINK FOR PROCESS OF EXPLANATORY AND INFORMATION, IN THE REPORT, IT WAS FELT IT WAS PROBABLY IMPORTANT THERE ARE A NUMBER OF TERMS THAT NEED TO BE DEFINED AS TO WHAT THE COMMISSION MEANT WHEN IT WAS USING THOSE TERMS. THAT WAS MY UNDERSTANDING.

>> SO IF YOU'RE DEFINING PRINT DISABILITY AS THIS, THEN IF YOU PUT THIS OUT TO THE IMPLEMENTATION WORLD, WHAT I'M HEARING GAIER SAY IS THAT DSS OFFICES WILL BEGIN SERVING STUDENTS BY USING THIS DEFINITION?

>> NO.

>> WELL, I WOULD. I'M CONFUSED, I GUESS

>> LET ME TAKE A STEP BACK AND EXPLAIN WHAT WE DO IN HIGHER ED. IN HIGHER ED, THE FIRST STEP IS TO HAVE DOCUMENTATION THAT A STUDENT HAS A VERIFIED DISABILITY, PERIOD. END OF STORY. STEP ONE. STEP TWO IS HOW DO WE ACCOMMODATE THAT DISABILITY. THAT'S DONE UNDER SECTION 504 ON A CASE-BY-CASE BASIS. IN HIGHER ED, THERE IS NO SUCH THING AS A PRINT DISABILITY.

May 4, 2011 Transcript of Meeting

IT IS NOT EVEN ACTUALLY A USEFUL DEFINITION FOR HIGHER ED. THIS IS SOMETHING THE COMMISSION WAS SPECIFICALLY ASKED TO DO FOR THE REPORT.

>>: CAN YOU READ IT AGAIN? BECAUSE IT IS AN IMPORTANT PIECE AND SCIENCE HAS CHANGED

>> PRINT DISABILITY MEANS, WITH RESPECT TO AN INDIVIDUAL, PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS THE INDIVIDUAL IN SEEING OR READING.

>>: I DO HAVE THE AMERICANS WITH DISABILITIES --

>> IF THE AMERICANS WITH DISABILITIES ACT REGULATION FOR TITLE 2, WHICH IS 28CFR 35.104, DISABILITY MEANS, WITH RESPECT TO AN INDIVIDUAL, A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF THE MAJOR LIFE ACTIVITIES OF SUCH INDIVIDUAL. A RECORD OF SUCH IMPAIRMENT OR BEING RECORDED AS HAVING SUCH IMPAIRMENT

87

>> DO YOU KNOW THE DATE THAT WAS DRAFTED?

>> THIS IS THE TITLE 2 REGULATION, WHICH JUST TOOK EFFECT MARCH 15 OF THIS YEAR

>> THANK YOU

>> HOW MANY YEARS DID IT TAKE TO GET THAT?

>> SIX YEARS.

>> I THINK IN VIEW OF THE FACT WE HAVE LANGUAGE THAT'S IN THE REGULATION, IT WOULD MAKE SENSE FOR US TO USE SIMILAR LANGUAGE. EVEN THOUGH I AGREE, LINDA, MENTAL KIND OF CALLS UP SOME ASSOCIATIONS THAT ARE NOT NECESSARILY ONES WE WOULD LIKE TO SEE, BUT THIS IS THE LANGUAGE. AND I BELIEVE IT WOULD COVER THE POPULATION OF STUDENTS THAT WE ARE TALKING ABOUT

>> I AGREE. IT CERTAINLY CAN GO THROUGH. I'M TELLING YOU AS A PSYCHOLOGIST I'M NOT AWARE OF ANY MENTAL CONDITION THAT STOPS PEOPLE FROM READING. NOT THAT THERE IS NOT AN OUTLYING CASE

>> DEVELOPMENTAL DISABILITIES

>> INTELLECTUAL DISABILITIES.

>> MENTAL ILLNESS

>> MENTAL ILLNESS? WHAT MENTAL ILLNESS?

>> SCHOOLS SERVE SCHOOLS WITH MENTAL ILLNESS UNDER THE ADA

>> OKAY, FINE. GOTCHA.

>> I THINK ACTUALLY THE BEST THING FOR YOU IS THIS IS THE ADA LANGUAGE, BUT WE SHOULD HAVE ELSEWHERE IN OUR REPORT, I THINK IT MAY BE A GOOD THING FOR TO US OBSERVE, THAT DYSLEXIA IS NOT A MENTAL ILLNESS. WE CAN

May 4, 2011 Transcript of Meeting

PUT THAT IN THE EXPLANATORY TEXT. BUT I THINK WE ARE TRYING TO ACTUALLY ALIGN WITH THE ADA

>> GO WITH THE REPORT. IT'S FINE. I HEAR YOU

>> WE HAD A MUCH LONGER BULLETED LIST OF EXAMPLES THAT MAYBE I DON'T THINK WE SHOULD DO IT NOW, BECAUSE IT WOULD BE TOO HARD TO READ THROUGH IT, BUT MAYBE FOR THE NEXT PHONE MEETING, WE CAN HAVE IT AVAILABLE. THAT IS SOMETHING WE MIGHT WANT TO, AS JIM SAID, ADD IN THE EXPLANATORY TEXT SO THERE IS CLARITY THERE. ANY OTHER DISCUSSION ON THIS ISSUE? OKAY. WE ACTUALLY GOT TO MAKE UP SOME TIME HERE. NOW I THINK WE CAN GO BACK TO STEM, WHICH WE DROPPED. IS LIZANNE GONE? TOO BAD BECAUSE SHE WANTED TO BE IN ON THE STEM DISCUSSION. THAT IS TOO BAD. OKAY. STEM IS SCIENCE TECHNOLOGY, ENGINEERING, MATHEMATIC, WHAT STEM STANDS FOR. IT IS A PARTICULARLY DIFFICULT CASE WHEN IT COMES TO ACCOMMODATIONS FOR INDIVIDUALS WHO NEED ALTERNATE FORMATS. ONE OF THE THINGS THAT WE WANTED TO DISCUSS IS WHAT PEOPLE'S IDEAS MIGHT BE, WHAT THEIR CONCERNS MIGHT BE

88

IN TERMS OF BEING ABLE TO COME UP WITH SOME RECOMMENDATIONS ON HOW WE CAN INCLUDE INFORMATION ABOUT ACCOMMODATING STEM MATERIALS IN OUR REPORT. ESPECIALLY BECAUSE IN A LOT OF THE LAWS AROUND ALTERNATE TEXT, IN THE STATES THAT HAVE THEM, IT TENDS TO EXCLUDE THE STEM MATERIALS AND JUST SAY, WELL, IT IS NOT TECHNOLOGICALLY FEASIBLE, THEREFORE, WE'RE NOT GOING TO WORRY ABOUT IT. I THINK WE ARE NOW AT A POINT WHERE WE CAN TAKE A STEP FORWARD WITH THAT AND MAYBE MAKE SOME RECOMMENDATIONS. SO I'D LIKE TO JUST OPEN UP THE FLOOR TO WHAT COMMISSION MEMBERS THOUGHTS ARE ON HANDLING STEM MATERIAL, OR IF YOU HAVE ANY SPECIFIC RECOMMENDATIONS, WE WOULD AN BE HAPPY TO HEAR THOSE, AS WELL.

>> WHEN WE TALKED ABOUT STEM MATERIALS, ARE ALL STEM MATERIALS EQUALLY DIFFICULT, OR ARE WE TALKING ABOUT A VERY DIFFERENT, WITHIN THAT GROUP, ARE THERE THINGS THAT ARE PARTICULARLY CHALLENGING AND OTHER THINGS THAT ARE RELATIVELY BENIGN? OR IS IT ALL A BIG HARRY MONSTER?

>> SOME OF THE MONSTERS ARE NOT AS BIG AND HAIRY.

>> ARE NOT AS BIG. SOME ARE NOT AS HAIRY. JIM FRUCHTERMAN, WOULD YOU LIKE TO -- NOT THAT -- I'M NOT SAYING THAT JIM IS A BIG HARRY MONSTER. I'M SAYING, JIM, WOULD YOU LIKE TO TAKE A STAB AT THAT?

>> I THINK THAT ANYBODY WHO IS INVOLVED IN PRODUCTION OF SCIENCE AND MATH MATERIALS KNOWS HOW EXPENSIVE IT IS TO PRODUCE IT. IT IS CHALLENGING. AND THAT THE TOOLS THAT AUTHORS USE ARE OFTEN NOT THE TOOLS THAT YOU USE IN PRODUCTION OR PUBLICATION. SO I THINK THAT IT IS SAFE TO SAY THAT MAKING SCIENCE AND MATH, IN GENERAL, IS THE MOST EXPENSIVE THING, IT IS WHERE SCHOOLS CAN BLOW \$25,000 CONVERTING A SINGLE BOOK INTO BRAILLE, BECAUSE IT IS SO EXPENSIVE. THAT BEING SAID, I THINK THERE IS A LOT OF INTEREST FOR A LOT OF COMMERCIAL AND EDUCATIONAL REASONS TO REDUCE THESE BARRIERS. I THINK THERE IS A LOT OF THINGS GOING ON WITH THAT. WE'VE HEARD IN THE MY MUSS FORMAT, THERE IS RECOMMENDATION THAT MATH ML BE PART OF THE MY MUSS STANDARDS. MATH AND SCIENCE FOLKS IN K12 HAVE MATH ML IN THERE. THAT'S ONE RECOMMENDATION. THERE IS LOTS OF THINKS THAT MATH ML DOESN'T

ADDRESS. SCIENCE TECHNOLOGY GRAPHS, BUT ALSO, WE DON'T REALLY HAVE GOOD CHEMISTRY MARK-UP LANGUAGE THAT'S REALLY EFFECTIVE TODAY. AND SO IF YOU ARE REALLY GOING TO MAKE IT FULLY ACCESSIBLE, SAY TO A BLIND PERSON, YOU'RE ENDING UP WITH A TEXTUAL DESCRIPTION THAT SHOULD BE COMPOSED BY SOMEONE WHO KNOWS THE SCIENTIFIC CONTENT OR CONTEXT OF THAT MATERIAL SO THEY'RE ACTUALLY EXPLAINING WHAT IT REALLY IS AS OPPOSED TO THE LETTERS AND SYMBOLS ON THE PAGE SORT OF READ AS A JUMBLE, WHICH IS LESS USEFUL TO A STUDENT. SO I THINK THE OTHER THING I WILL TOUCH ON IS THAT JEFF REED FROM WGBH OF BOSTON YESTERDAY MENTIONED THE DIAGRAM CENTER, WHICH IS FUNDED BY THE DEPARTMENT OF EDUCATION. GOAL IS TO DEVELOP OPEN SOURCE TOOLS THAT WOULD LOWER THE COST PRODUCING STEM DESCRIPTIONS. THE GOAL IS

89

BY A FACTOR OF 3 TO 5, BECAUSE WE REALLY NEED THESE KIND OF COST REDUCTIONS. IT IS NOT LIKE WE'RE GOING TO GET A LOT MORE MONEY IN TODAY'S ENVIRONMENT TO DO THESE THINGS. THAT'S SOMETHING THAT'S DESIGNED TO BE USED NOT ONLY BY AUTHORIZED ENTITIES, BUT ALSO BY SCHOOLS AND ALSO BY PUBLISHERS IN PRODUCING ACCESSIBLE MATERIALS. AND ANOTHER PART OF THAT IS TO MAKE SURE THINGS LIKE LONG DESCRIPTIONS, WHICH IS HOW YOU PUT THESE DETAILED DESCRIPTIONS IN PLACE, IS SOMETHING THAT'S STILL IN THE WEB STANDARD AND ALSO IN E BOOK STANDARD. SO I THINK IT'S -- I MEAN, IT IS KIND OF THE -- WE KIND OF BEGUN TO SOLVE THE TEXT PROBLEM. THAT HE WAS REALLY THE FAVORABLE THING ABOUT E BOOKS, IS THAT THE MORE PUBLISHERS ARE GENERATING E BOOK, THE LOWER THE BARRIER IS TO MAKING IT ACCESSIBLE. BUT MATH AND SCIENCE IS KIND OF LIKE -- AND I GUESS MULTIMEDIA, IN GENERAL, ARE LIKE THE NEXT FRONTIER, WHERE IT IS VERY LABOR ORIENTED.

>> THANK YOU. ANY OTHER COMMENTS ON MATH AND SCIENCE? MARK RICCOBONO?

>> I AGREE WITH EVERYTHING THE HAIRY BEAST SAID. I ALSO THINK OUR REPORT SHOULD REFLECT THAT THIS IS AN EXTREMELY CRITICAL AREA, AND IMPORTANT FOR FUTURE INNOVATION. FOR EXAMPLE, IN SCIENCE CLASSES, POSTSECONDARY LEVEL, MANY CASES ARE NOW GOING TO VIRTUAL LABS, WHERE YOU GET ON A COMPUTER AND YOU DO YOUR LAB WORK. IT IS NOT LIKE KURT, WHO GETS TO GO DOWN AND POKE THE CADAVER. YOU HAVE TO DO IT ON THE COMPUTER. THIS PRESENTS SOME FAIRLY SIGNIFICANT CHALLENGES, CERTAINLY FOR STUDENTS WHO ARE BLIND. BUT I SUSPECT IN MANY OTHER WAYS, AS WELL, FOR MANY OTHER STUDENTS. SO AT THE VERY LEAST, I THINK OUR REPORT SHOULD REFLECT THAT THIS IS AN EXTREMELY IMPORTANT AREA AND ONE THAT NEEDS A LOT MORE WORK AND INNOVATION IN ORDER TO BE ADDRESSED IN THE VISUAL ERA.

>> STEPHAN?

>> I THINK ALSO, SINCE SUZANNE -- OR SINCE LIZANNE ISN'T HERE, I'M GOING TO CHANNEL HER FOR A MINUTE. I THINK THAT THE AREA OF STEM IS ALSO AN AREA WHERE EVEN MORE THAN OTHERS, STUDENTS WITH DISABILITIES ARE MORE UNDER REPRESENTED THAN OTHER DISCIPLINES, IN CAREERS THAT GROW OUT OF THESE AREAS, THEY ARE MORE UNDER REPRESENTED, EVEN THAN OTHERS. AND I THINK THAT IN THE NARRATIVE OF THE COMMISSION'S REPORT, SINCE THESE ISSUES ARE BIG AND GO BEYOND JUST THE THINGS THAT WE CAN NECESSARILY PUT OUR ARMS AROUND, I WONDER IF OUR RECOMMENDATIONS IN THIS AREA CAN GROW FURTHER TO INCLUDE NOT JUST THE TYPICAL PARTNERS OF WORKING WITH PUBLISHERS AND WORKING WITH AUTHORIZED ENTITIES AND WORKING WITH

TECHNOLOGY, BUT ALSO, WORKING WITH NATIONAL SCIENCE FOUNDATION, WORKING WITH GROUPS LIKE THE AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE AND THEIR ENTRY-POINT PROGRAM. AND SOME OF THESE OTHER GROUPS THAT HAVE VERY STRONG KIND OF FACULTY OR CONTENT EXPERTISE IN THE DEEP SCIENCES, THAT MAYBE BY BROADENING OUR CIRCLE OF PARTNERS PLAYING IN THIS POOL, AND

90

HAVING MORE GREAT BRAINS AROUND THESE PROBLEMS, SO MAYBE THIS IS AN AREA THAT WE'RE GOING TO HAVE A LITTLE BIT OF AN OUT OF THE BOX SET OF RECOMMENDATIONS THAT WILL NOT NECESSARILY MIRROR THE PRO FORMA RECOMMENDATIONS AROUND OUR OTHER TOPICS. TO ME, AS A LAYPERSON, THIS FEELS DIFFERENT THAN THE OTHERS.

>> I THINK IF YOU ARE REALLY CHANNELING LIZANNE, YOU WOULD ALSO SAY AND REMEMBER THE PROFESSIONAL ORGANIZATIONS

>> SORRY I MISSED THAT, LIZANNE

>> WHICH IS VERY TRUE. I HAVE TO SAY JUST AS AN ASIDE, BECAUSE I'VE BEEN WORKING IN THIS FIELD SINCE BEFORE THERE WAS DIRT, ONE OF THE THINGS THAT'S OFTEN BEEN AN ISSUE, QUITE HONESTLY, IS DEALING WITH THE MATH AND SCIENCE FACULTY ON CAMPUSES AND HOW TO ACCOMMODATE, ESPECIALLY FOR INDIVIDUALS WITH LEARNING DISABILITIES. WE'VE HAD THAT FIGHT MANY, MANY TIMES. I HAVE TO SAY, ONCE YOU REALLY GET THEM TO UNDERSTAND THE NEED, THEY GET SO EXCITED ABOUT SOLVING THE PROBLEM, BECAUSE THAT'S WHAT THEY DO, IS SOLVE PROBLEMS. SO I THINK YOUR RECOMMENDATION, STEPHAN, OF LOOKING OUTSIDE OUR TRADITIONAL PARTNERS, I THINK, IS REALLY VERY WELL TAKEN. AS ANOTHER PART OF THIS, AND I'M HOPING MAYBE TUCK OR MARK CAN KIND OF ADVISE ME ON THIS, I CAN'T TELL YOU HOW MANY CALLS I'VE GOTTEN FROM ACROSS THE COUNTRY FROM DISABILITY SERVICE PROVIDERS WHO ESSENTIALLY SAY, OMG, WE HAVE A BLIND STUDENT COMING IN THE FALL, AND THEY HAVE TO TAKE MATH OR THEY HAVE TO TAKE SCIENCE, WHAT DO WE DO. SO I DON'T KNOW IF THERE IS ENOUGH -- I MEAN, I KNOW THEY'RE COMING TO ME A LOT, THEY'RE COMING TO THE LIST A LOT. MAYBE THE POTENTIAL FOR A MODEL DEMONSTRATION PROJECT MIGHT BE JUST A SIMPLE WEB SITE PEOPLE CAN DO TO. I KNOW, TUCK, YOU DO SOME OF THESE THINGS. BUT WHERE DO YOU GET ACCOMMODATIONS FOR MICROSCOPES? THERE IS TONS OF STUFF OUT THERE NOW. BUT I'M NOT SURE THERE IS ONE PLACE WE CAN POINT PEOPLE TO, AND THAT WOULD BE REALLY HELPFUL. TUCK, MARK, EITHER OF YOU HAVE ANYTHING TO SAY?

>> WELL, THERE PROBABLY IS NOT A ONE-STOP SHOP IN TERMS OF ACROSS DISABILITIES. AND ALTHOUGH IT HAS -- NEEDS SOME LOVE AND ATTENTION, THERE IS BLINDSCIENCE.ORG, WHICH WE CREATED UNDER OUR STEM INITIATIVE, TO BE A CENTRALIZED WEB PORTAL FOR INFORMATION ABOUT HOW TO ACCESS STEM. BUT THERE IS A LOT OF INNOVATION STILL NEEDED IN THIS AREA. I'M GLAD NSF WAS SPECIFICALLY MENTIONED, BECAUSE I THINK THERE IS A LOT OF GREAT POTENTIAL THERE. AND A LOT OF TIMES, THE PROJECTS -- NSF PROJECTS HAVE KIND OF A NOD TOWARD MAKING ACCESS FOR PEOPLE WITH DISABILITIES, BECAUSE THEY FIGURE IT MIGHT GET THEM A POINT OR TWO IN THE REVIEW. BUT NOT SERIOUS CONSIDERATION. IN FACT, THE NATIONAL FEDERATION OF THE BLIND RECENTLY SUBMITTED COMMENTS ON THE NSF IS LOOKING AT THE MERIT CRITERIA, AND SPECIFICALLY, WE STRONGLY RECOMMENDED THAT WHEN CONSIDERING BROADER

IMPACT, BROADER IMPACT SPECIFICALLY MEANS STUDENTS WITH DISABILITIES, WHICH IT HAS NOT IN THE PAST. SO THERE IS A GREAT DEAL OF POTENTIAL HERE.

91

SO WE DO HAVE AT LEAST HAVE ONE RESOURCE, BUT CERTAINLY THERE IS MORE WORK TO BE DONE IN THAT REGARD.

>>: GAIER, I DON'T HAVE ANY HELP IN THAT AREA FOR YOU AT ALL. WHAT YOU SAID, THOUGH, REALLY HIGH LIGHTS THE DIFFERENCE BETWEEN THIS HIGHER ED SITUATION AND THE K THROUGH 12. BECAUSE K THROUGH 12, CURRENTLY WE DON'T HAVE ANY TEXTBOOKS OUT OVER 40 DAYS AS FAR AS REQUESTS FOR CONSUMERS. BUT WE DON'T HAVE A SITUATION WHERE SOMEONE SAYS, OH, MY GOODNESS, THIS KID JUST CAME IN. WE HAVE IN THE PAST HAD TRANSFER PROBLEMS. KID MOVED FROM ONE SCHOOL TO ANOTHER AND HAS DIFFERENT COURSES TO TAKE. BUT WE'RE ABLE, BECAUSE THE TEXTBOOKS ARE USED LONGER, AND WE HAVE OVER 300 TRANSCRIBERS THROUGHOUT NORTH AMERICA WHO WORK FOR -- WHO ARE ABLE TO FARM THINGS OUT TO, WE CAN GET A VOLUME QUICKLY TO A KID AND STAY AHEAD OF A STUDENT. BUT IN HIGHER ED, IT IS A WHOLE DIFFERENT BALL GAME. IT REALLY HIGH LIGHTS THAT. ANOTHER THING I'D LIKE TO SAY IS THAT WHEN WE HAD A CONFERENCE CALL, AND I REMEMBER BEING AT HOME, AND I WAS ON THE -- AND I KNEW I HAD TO WAIT A FEW SECONDS BEFORE I CAME IN, AND GAIER STARTED ABOUT LET'S NOT FORGET THE COST OF TACTILE GRAPHICS. I WAS READY TO POP RIGHT IN, AND SAY, WELL, JOHN PARISH IT IF MILLIONS MISS JUST DID A HISTORY BOOK AND IT COSTS \$35,000. WHETHER HE SHE SAID, TALK ABOUT COST, SHE ENDS UP SAYING THAT IN CALIFORNIA, WE JUST PRODUCED A CALCULUS TEXTBOOK IN BRAILLE THAT COST \$120,000. OF COURSE, I DIDN'T HIT THE BUTTON, I JUST SAT BACK. THE MATH TEXT WILL TAKE US -- GEOMETRY BOOK WILL TAKE A GOOD NINE MONTHS TO PRODUCE BECAUSE OF ALL OF THE TACTILE GRAPHICS. THERE IS NO TRANSLATION FOR THE MATH.

>> AND WE ONLY HAVE A HANDFUL OF CHEMISTRY TRANSCRIBERS IN THE ENTIRE COUNTRY. THERE'S LIKE THREE OR SOMETHING.

>> THAT SOUNDS RIGHT.

>> I KNOW ONE OF THEM GOES AROUND IN A MOBILE HOME WITH HER HUSBAND AND PICKS UP THINGS, YOU KNOW, YOU CAN DELIVER JUST TO THE POST OFFICE. ANYWAY, IT IS A VITAL BREED. BRUCE?

>> I REMEMBER YOUR PRESENTATION TO SAY, THIS IS WHAT WE DO IN A DSS OFFICE, WHEN WE FIRST STARTED THIS. YOU POINTED WITH PRIDE THAT YOU HAD THREE OR FIVE ALGEBRA BOOKS NOW.

>> NO, WE HAVE I THINK 30.

>> WELL, AT THAT TIME, I HAD JUST GOTTEN A NEW NUMBER ON THE INTRODUCTORY COURSE. THERE WERE 119 COMPETING VOLUMES OUT THERE. THAT'S JUST IN ONE COURSE. SO YOU GET INTO THINGS LIKE INTRO TO PSYCH, 126 LAST TIME I CHECKED INTRODUCTORY TEXT. ONE OF THEM HAS 54 PIECES TO IT.

>> GAIER, BACK TO YOUR CONCEPT OF GETTING PEOPLE ON BOARD, I KNOW THAT'S WHY THIS HARD DATA TO TALK TO SCIENCE TEACHERS, TO TALK TO MATH TEACHERS,

TO GET THEM ON BOARD, TO UNDERSTAND. AND THIS IS NOT A STUDY. THIS IS STUDIES FROM ALL OVER. MRI'S FROM EVERY WHERE AND THE RESEARCH IS VERY ROBUST. IT IS VERY POWERFUL. WE REALLY NEED TO GET THAT OUT INTO THE MEDIA, THAT PEOPLE TRULY UNDERSTANDS IT IS A MATTER OF BRAIN FUNCTIONING, IT'S NEUROLOGICAL

>> THANK YOU, LINDA. I SAW SOMEBODY ELSE REACHING FOR THE MIKE THERE.

>> BECAUSE I CAN'T STOP FROM TALKING ABOUT IT, NOW THAT I'M THINKING ABOUT THIS, I NEED TO SAY IT. HEATHER AND LISA HAVE BEEN DOING A GREAT JOB SIGNING THROUGHOUT THIS ENTIRE EVENT. AND WE HAD LUNCH TOGETHER. AND I MENTIONED TO THEM THAT THERE ARE NO DEAF PEOPLE HERE, BUT THEY'RE CONTINUING TO SIGN. AND I TOLD THEM ABOUT AN EFFORT WE HAD TO BUILD A CAREER PATH FOR TRANSCRIBERS. WE STARTED A PROGRAM IN TEXAS. I WAS AT ATE MEETING, AND BEFORE IT STARTED, THEY HONORED THE PEOPLE WHO HAD DONE THE BRAILLE FOR THE MENU, AND THE BRAILLE FOR THE AGENDA. AND THEY ALL CLAPPED. SO WHEN I SPOKE, I SAID, AND HOW MUCH PER PAGE DID YOU CHARGE FOR THE MENU TO THE HOTEL? OH, NOTHING. WE DID IT FOR FREE. BIG SMILE ON THE FACE. THE WHOLE POINT WAS, TO HAVE A CAREER YOU REALLY NEED -- YOU DON'T NEED TO GIVE IT AWAY. YOU NEED TO SHOW THERE IS VALUE IN IT. SO WE LEARNED AN AWFUL LOT FROM THE INTERPRETERS FOR THE DEAF, AS FAR AS BUILDING A CAREER IN THIS TRANSCRIBER AREA. NOW, THE MATH AREA, YOU CAN PAY BIG BUCK FOR TACK FILE GRAPHICS. WE CONTINUE TO BUILD THAT. WE'RE WORKING WITH 28 PRISONS THROUGHOUT THE COUNTRY. WE HAVE ONE WE STARTED IN KENTUCKY. KENTUCKY CORRECTIONAL INSTITUTE FOR WOMEN, WE HAVE 13 TRANSCRIBERS. EIGHT ARE CERTIFIED. BELIEVE IT OR NOT, ALL 13 ARE IN FOR MURDER. WONDERFUL, BECAUSE -- (laughter)

>> YOU GET TO KEEP THEM FOR A LONG TIME.

>> WE ONLY TRAIN -- ANYWAY, THAT'S A SIDE NOTE. LET ME AT ONE OTHER THING. THEY GET 29 CENTS AN HOUR BECAUSE THAT'S THE CORRECTIONAL INSTITUTION SYSTEM. BUTCH THEY DO GREAT WORK. INTERESTING THING WITH THIS GROUP, ONE WAS FROM EASTERN KENTUCKY, FROM WHERE I CAME. I MENTIONED TO THE WARDEN, I SAID, MY GOSH, I WAS NERVOUS COMING IN HERE BUT THEY'RE

WONDERFUL. SHE SAID -- THIS IS JUST A LITTLE FACTOID -- YES, EVERYONE IS READY TO RE-ENTER SOCIETY, BECAUSE EVERY SINGLE ONE HAS TAKEN CARE OF THE ONLY PROBLEM SHE HAD. AND THAT WAS AN ABUSIVE SPOUSE, ABUSIVE PARENT. EVERY SINGLE ONE HAD KILLED A MALE. SHE SAID, YOU KNOW THE SAD THING ABOUT OUR SOCIETY? SHE SAID, THESE WOMEN, AVERAGE AGE FOR A FEMALE WHO KILLS MALE, AVERAGE TERM IS 21 YEARS. AVERAGE TERM FOR MALE WHO KILLS FEMALE IS SEVEN YEARS. SO I SORT OF SAID, AT LEAST WE WILL HAVE THEM FOR 21 YEARS. BUT THAT'S NOT FUNNY.

>> THAT'S HORRIBLE

>> THANK YOU FOR THE HUMOROUS RELIEF THERE. I HAVE TO SAY, ONE OF MY BEST TRANSCRIBER FRIENDS, I GET A LOT OF MILEAGE OUT OF SAYING THAT WE MET IN PRISON. OKAY. TO GET BACK TO THE STEM ISSUE, I THINK THERE IS ANOTHER

POINT I WOULD LIKE TO MAKE, BECAUSE ALTHOUGH MY HEART IS DEFINITELY WITH BRAILLE AND THE BVI COMMUNITY, I ALSO REALLY DO HAVE A STRONG SENSE OF IF YOU CAN HAVE AN IMPACT ON EDUCATION IN GENERAL, I THINK IT WOULD BE A GOOD THING. I THINK ONE OF THE ISSUES THAT WOULD BE DID GOOD FOR US TO MAKE SOMEHOW IN THE REPORT IN THIS STEM AREA IS THAT THE USE OF MANIPULATIVES, THINGS YOU CAN HOLD, IN TEACHING MATH AND SCIENCE, LEAVES TOO SOON. A LOT OF TIMES, THEY TAKE THOSE SUPPORTS AWAY ABOUT THE THIRD GRADE. YET YOU CAN REALLY DO A LOT BETTER TEACHING SOMEBODY ALGEBRA IF YOU ACTUALLY GIVE THEM PHYSICAL THINGS THEY CAN WORK WITH, THEY CAN SEE, OKAY, GIVE THEM A BOX FOR X AND THEY UNDERSTAND, OH, I HAVE TO FIGURE WHAT GOES IN THAT BOX. SO MAYBE THERE IS POTENTIAL HERE FOR HELPING TO RECOGNIZE THAT TACTILE GRAPHICS, ALTHOUGH WHEN WE GET INTO THE UPPER GRADES, WE JUST SPEND MONEY ON THEM FOR INDIVIDUALS WHO ARE BLIND, STILL ARE VERY HELPFUL TO A LOT OF INDIVIDUALS WHO HAVE LEARNING DISABILITIES. JUST LEARNERS, IN GENERAL. SO I'M HOPING MAYBE WE CAN CONVEY THAT MESSAGE, AS WELL, THAT THERE IS SOME OF THESE SUPPORTS THAT EVERYBODY CAN USE. IT IS NOT JUST A VERY LIMITED POPULATION. ANYTHING ELSE ON THE SCIENCE TECHNOLOGY ENGINEERING MATH THAT YOU WANT TO SPEAK TO? JIM?

>> I'VE HAD THIS SORT OF DREAM. THERE'S BEEN RESEARCH DONE AT UNIVERSITY OF WASHINGTON, SHOWING THAT FOR A GIVEN MATH BOOK, THAT 80 PLUS PERCENT OF THE GRAPHICS HAVE A HIGH DEGREE OF SIMILARITY. IN OTHER WORDS, YOU'RE LIKELY TO HAVE, IN AN ALGEBRA BOOK, 20 PERCENT OF THE GRAPHICS ARE LIKELY TO BE A COORDINATE SYSTEM WITH  $Y = F(X)$ . AND SOMETHING THAT I HOPED WOULD COME IN THE NOT TOO DISTANT FUTURE IS WE ACTUALLY HAVE A SET OF OPEN EDUCATIONAL RESOURCES AROUND A LOT OF THE MOST COMMON CONCEPTS. SO TO HAVE SEVERAL ON ER HEART DIAGRAMS FOR ANATOMY, MAYBE NOT AT THE

94

LEVEL THAT YOU DO AS A MED STUDENT, BUT SOMETHING THAT WOULD BE APPROPRIATE FOR HIGH SCHOOL BIOLOGY OR COLLEGE BIOLOGY, WHERE WE MAY NOT BE ABLE TO AFFORD TO DO AND DESCRIBE EVERY SINGLE SCIENCE AND MATH BOOK THAT IS EVER PUBLISHED, BUT IT MAY BE THAT A LOT OF THE UNDERLYING CONCEPTS WOULD BE OUT THERE AND THAT IT WOULD ACTUALLY BE CHEAPER TO EITHER CONNECT THIS HEART PICTURE NECESSARY A COPYRIGHTED BOOK TO AN OPEN CONTENT THING, OR HAVE SOME THINGS THAT ARE PARA METRIC. THERE'S ONLY SO MUCH WAYS YOU CAN DESCRIBE GRABALA. I BET IF YOU GIVE ME  $Y = AX + B$  PLUS, YOU KNOW, WHATEVER THE FORMULA IS, GIVE ME THE COEFFICIENTS, I CAN PROBABLY GENERATE A TACTILE DESCRIPTION OF THAT FUNCTION BASED ON ANALYZING THE FUNCTION AND DELIVER A GREAT TACTILE GRAPHIC. SO I DON'T KNOW IF THAT BELONGS IN WHAT WE'RE TALKING ABOUT DOING, BUT I THINK IT WOULD BE A GREAT RESOURCE THAT WOULD ACTUALLY BACK UP AND SUPPORT ALL OF THE SCHOOLS, ALL OF THE PUBLISHERS, AND MAKE IT EASIER TO GENERATE SOME OF THIS ONLINE CONTENT IN A GENERAL WAY. IT WOULD BE GREAT FOR ASSESSMENTS. YOU'RE GOING TO HAVE A TEST, STUDENT IS SUPPOSED TO LOOK AT THE FUNCTION, SPIT OUT AN ACCESSIBLE VERSION OF THAT AS AN AUTOMATED TOOL RATHER THAN NEEDING A HUMAN BECAUSE YOU HAD HUMAN DESIGN

>> ONE OF THE THINKS I KEEP HEARING TODAY IS ABOUT MAINSTREAMING AND I THINK IT IS PIVOTAL AND MAINSTREAM TO THE SUCCESSIVE WORK GOING ON. MARIA MONTISURI, WHEN YOU TALK ABOUT TACTILE, SHE'S BEEN A SUCCESSFUL EDUCATOR. AND I DON'T NEED TO SAY MORE, TO CREATE THESE TACTILE THINGS FOR THE

May 4, 2011 Transcript of Meeting

WHOLE POPULATION, WE WILL BE ABLE TO TEACH OUR POPULATION BETTER, ACCORDING TO THEIR DOMINANT SENSORY MODALITY.

>> THANK YOU. KURT?

>> I AGREE WITH YOU, JIM, ENTIRELY. THE DISTINCTION BETWEEN SOME OF THESE TEXTBOOKS, EVEN AT THE ADVANCED LEVEL, ARE ENTIRELY ARTIFACT YOU'LL. THERE IS NO -- THERE ARE ONLY SO MANY WAYS YOU CAN DESCRIBE THE HUMAN BODY. WHAT ATLAS YOU USE IS ENTIRELY A PERSONAL CHOICE. HAVING ONE THAT'S ACTUALLY ACCESSIBLE IS, IN MY MIND, IN THE MOST ADVANCED TOPIC, OR EVEN A VERY BASIC ONE, WOULD BE QUITE SUFFICIENT. I DO THINK WE ARE TALKING A LOT ABOUT SOLUTIONS. AND I WONDER IF WE NEED TO SPEND SOME TIME, AT LEAST IN THE REPORT, REALLY COMMITTING A LITTLE BIT OF TEXT TO UNDERSTANDING CONTEXTUALLY THE BARRIERS TO ENTRY INTO THE STEM FIELDS FOR A STUDENT WITH DISABILITIES. BECAUSE I THINK -- I CERTAINLY TRAINED IN THE SCIENCES, SO I HAD TO DO MY PHYSICAL CHEMICAL LABS AND ORGANIC CHEMISTRY LANGUAGES, BUT I THINK IT IS EASY FOR PEOPLE TO THINK ABOUT WHAT TOOL CAN WE THROW AT THIS. BUT THERE IS CERTAINLY, DOWN TO CAN YOU ACTUALLY POWER STUFF INTO THAT BEAKER, GIVEN YOU DON'T KNOW WHERE THE LABELS ARE, YOU KNOW, YOU CAN'T REALLY SMELL THE CHEMICALS BECAUSE THEY'RE NOXIOUS, YOU CAN'T HEAR -- YOU KNOW, SO YOU SORT OF HAVE A SENSORY DEFICIT. THINKING

95

ABOUT THAT CONTEXT, THOUGH, AND IT WILL VARY BY SCIENCE FIELD SPECIFICALLY, CERTAINLY ENGINEERING, THE EXPERIMENTS TO DO IN THEIR LASHES ARE QUITE DIFFERENT. BUT I DON'T THINK IT IS GOING TO BE SORT OF JUST A -- YOU KNOW, THERE IS ONE THING WE CAN DO, OR SO MUCH A FUNCTION OF SCIENCE IS BEING COMPETENT IN THE PERFORMANCE OF SCIENCE, NOT JUST ACQUIRING THE KNOWLEDGE. AND I THINK THAT WE NEED TO BE VERY CAREFUL THERE.

>> GOOD POINT, KURT. LINDA, I THINK YOU HAD YOUR HAND UP?

>> I WAS GOING TO COMMENT ON JIM'S COMMENT, TOO. NIH IS FUNDING A DATABASE OF DIAGRAMS FOR MEDICAL SCHOOLS. IT IS GOING TO BE A HUGE DATABASE, AND IT IS GOING TO BE EXACTLY WHAT JIM IS TALKING ABOUT. HOW MANY KNEES CAN YOU DRAW? HOW MANY ELBOWS CAN YOU HAVE? SO I THINK THESE ARE THE KINDS OF THINGS THAT WE SHOULD BE THINKING ABOUT, TOO. SO, YES, GOOD IDEAS. THANK YOU.

>> TUCK?

>> JIM, COULD YOU SAY A FEW WORDS ARE ABOUT THE DIAGRAM CENTER? I THINK THAT COULD BE HELPFUL

>> I THINK IT GOT MENTIONED YESTERDAY IN THE PRESENTATIONS. BUT IT IS A PARTNERSHIP BETWEEN BENETACT, THE BASUM CONSORTIUM, WGBH OF BOSTON AND CAM. THE GOAL IS TO OPEN SOURCE TOOLS FOR THE PRODUCTION OF MORE ACCESSIBLE IMAGES. THAT INCLUDES DESCRIBING IMAGES, TACTILE GRAPHICS OF IMAGES. IT IS STANDARDS WORK, SO THE STANDARDS BODIES SUPPORT IT THIS. SO WE REALLY LIKE TO HAVE PEOPLE LIKE GEORGE, WHO IS ONE OF THE CO-PRINCIPLE INVESTIGATORS WHO IS ON A STANDARD BODIES AND THE LIKE. A LOT OF IT IS TO MAKE THE TOOLS, MAKE IT EASIER TO PRODUCE THESE THINGS. I THINK JEFF

MENTIONED THE FIRST PART WAS TO DO RESEARCH ON THE CURRENT STATE OF GRAPHICAL SUPPORT AND SUPPORT DESCRIPTIONS. SO THOSE MATRIX SEASON ARE UP. WE'RE ALSO GOING TO BE WORKING ON OPEN SOURCE TOOLS. OPEN SOURCE TOOLS THAT ARE BUSINESS FRIENDLY, SO THAT, FOR EXAMPLE, PROPRIETARY PRODUCTS COULD INTEGRATE THESE OPEN SOURCE TOOLS INTO THEM. THAT MEANS TO USE SORT OF KIND OF LICENSES THAT ARE PRESENT

>> GIVE AN EXAMPLE.

>> MAYBE A LIBRARY FOR READING ALLOWED A TEXT YOU'LL DESCRIPTION, ON OR A WAY OF HANDLING LONG DESCRIPTIONS, SOMETHING LIKE THAT. OR SOMETHING THAT MIGHT AUTOMATICALLY GENERATE A TACTILE GRAPHIC FROM AN ALGEBRAIC FUNCTION. THAT COULD BE SOMETHING THAT COULD BE THEN POPPED INTO EITHER AN OPEN PRODUCT OR PROPRIETARY PRODUCT, OR USED IN PRODUCTION MECHANISMS. SO IT IS A FIVE-YEAR R&D GRANT FROM THE DEPARTMENT. IT IS ABOUT A YEAR

96

OLD. SO WE ARE BASICALLY ONE YEAR INTO A FIVE-YEAR PROGRAM. THE GOAL REALLY IS TO MAKE THE PRODUCTION LESS EXPENSIVE THROUGH A VARIETY OF DIFFERENT MEANS OF ACTUALLY PRODUCING THIS ONE MORE TOOL ON THE LIST, ABILITY TO CROWD SORT THIS. SO YOU HAVE SOMEBODY WORKING FROM HOME ABLE TO WRITE IN THE DESCRIPTION. AND THE QUALITY CONTROL TOOLS ALLOW YOU TO DO THAT SORT OF THINK. SO THERE IS A LOT OF IDEAS IN THE MIX. AND WE'VE BEEN VERY LUCKY. WE'VE GOTTEN WORKING GROUPS AROUND MATH, TACTILE TOPICS, WE GET A LOT OF SCIENTIFICS INTERESTED IN THESE THINGS INVOLVED. JOHN GARDENER IS INVOLVED. HE'S WORKING THE AMERICAN PHYSICAL SOCIETY TO CHANNEL THOSE IN. SO I THINK IT IS ALL STUFF WE ARE WORKING ON. AND IT IS A PRETTY OPEN PROCESS. MAYBE SAID I KNOW WE'RE TALKING TO SOME OF THE MAJOR PUBLISHERS, GETTING SOME OF THE PRODUCTION PEOPLE INVOLVED IN HELPING TO DEVELOP THESE TOOLS. A LOT OF THOSE CONVERSATIONS ARE GOING ON. WE WILL SEE WHAT IT TURNS INTO. THANK YOU. GLINDA?

>> I JUST WANTED TO SAY, JIM WASN'T HERE YESTERDAY, BUT AFTER THE PRESENTATION YESTERDAY, A LOT OF QUESTIONS CAME TO ME, JIM. THERE WERE A LOT OF PEOPLE INTERESTED IN HEARING MORE ABOUT THE PROJECT. I MENTIONED THAT YOU GUYS WERE GOING TO HAVE A BOARD MEETING, TOO. WE MAY BE DOING A PRESENTATION SOME TIME

>> OKAY. I KNOW THERE IS PROBABLY DWINDLING REAL ESTATE FOR PRESENTATIONS, BUT WE ARE ALWAYS ON TAP FOR SOMETHING LIKE THAT. OR MAYBE SUBMIT INFORMATION ABOUT THE DIAGRAM CENTER TO THE COMMISSION

>> NOT TO THIS BOARD, BUT SOME OF THE PUBLISHERS IN THE ROOM WERE INTERESTED

>> OH. TERRIFIC.

>> ANY OTHER -- WE'RE KIND OF COMING UP ON TIME TO END THIS DISCUSSION HERE. ANY FINAL THOUGHTS ON SCIENCE TECHNOLOGY ENGINEERING MATH, ACCOMMODATING THOSE? I THINK THE ONE THING I WOULD LIKE TO MAKE SURE WE GET ON RECORD IS THAT I THINK SOME OF THE POINTS THAT YOU MADE, JIM, ABOUT SOME OF THE -- WE'RE NOT EXACTLY STANDARDS, BUT SOME OF THE BEST PRACTICES THAT HAVE BEEN PUT TOGETHER ABOUT STEM DESCRIPTION AND SOME OF

THOSE THINGS, I THINK THOSE ARE ALL THINGS THAT WE REALLY PROBABLY WANT TO POINT OUT IN OUR REPORT SO THAT PEOPLE KNOW WHERE TO LOOK FOR THOSE AND SORT OF THE NATURAL PLACE FOR THOUGH, I THINK, WOULD BE UNDER THE TECHNOLOGY. BECAUSE YOU'VE GOT THE TECHNOLOGY BACKGROUND, I THINK, TO DEAL WITH THE STEM. SO I THINK THAT'S GOING TO FALL TO YOUR TASK FORCE TO

97

REALLY LOOK AT THAT AREA. OKAY. REMEMBER THAT OUR PUBLIC HEARING STARTS ARE AT 3:30. HERE AT THE END, I WOULD LIKE TO INVITE MY VICE CHAIR, JIM WENDORF, I THINK YOU HAD A FEW THINGS THAT YOU WANTED TO CLEAR UP.

>> YES. THANK YOU. I DON'T THINK I CAN CLEAR UP, BUT I WOULD LIKE TO GET A FEW THINGS INTO THE RECORD. I DON'T WANT TO BELABOR THIS, BUT -- BECAUSE THERE WAS A DISCUSSION WHEN JOANNE SIMON PRESENTED, A DISCUSSION ABOUT RESPONSE TO INTERVENTION, RTI. I WOULD LIKE TO GET A FEW THINGS INTO THE PUBLIC RECORD. AND I DO THAT WITH THE UNDERSTANDING THAT THAT'S REALLY DISCUSSION FOR THE MOST PART OF PRE K TO 12 ISSUES. THERE ARE SOME IMPLICATION THERE FOR HIGHER ED INSOFAR AS THE RTI PROCESS MAY OR MAY NOT INFLUENCE THE ELIGIBILITY OF STUDENTS IN SECONDARY SETTINGS AS THEY MOVE INTO POST-SECONDARY. THAT'S AN ISSUE I THINK WORTH EXPLORING. BUT JOANNE SIMON EXPRESSED A VERY STRONG OPINION ABOUT RTI. I'D LIKE TO GIVE YOU JUST A FEW FACTS BACK ABOUT IT. IT IS VERY CLEAR IN THE LAW, AND IT HAS BEEN VERY CLEARLY STATED BY VARIOUS BOTH ADVOCACY AND EDUCATIONAL ORGANIZATIONS, THAT AN RTI DOES NOT REPLACE A COMPREHENSIVE EVALUATION. IN FACT, IT IS INTENDED TO CONTRIBUTE TO SUCH AN ASSESSMENT OR EVALUATION. IT DOES NOT REPLACE IT. SO SOME OF THE OPPOSITION TO RTI IMMEDIATELY ZEROS IN ON THE MATH OR FALLACY THAT RTI IS THE WAY THAT STUDENTS WITH LEARNING DISABILITIES MUST BE IDENTIFIED. THAT'S WRONG. I THINK DR. JOANNE SIMON WAS DIRECT IN SAYING THAT THE IMPLEMENTATION OF RTI ACROSS THE COUNTRY OVER THE PAST SEVERAL YEARS HAS HAD ITS UPS AND DOWNS. IT IS SPOTTY. THERE IS SOME EXTRAORDINARILY GOOD INSTANCES OF IMPLEMENTATION, AND THERE ARE SOMEWHERE, YES, IT HAS BEEN USED AS A WAY TO DELAY OR DENY THE IDENTIFICATION OF STUDENTS WITH A LEARNING DISABILITY. MY OWN ORGANIZATION, AS YOU CAN IMAGINE, IS OPPOSED TO ANY KIND OF DELAY OR DENY TACTIC, AND ABSOLUTELY ENDORSES THE LETTER THAT CAME OUT FROM DR. POSNEY TO THAT EFFECT. THE OTHER THING I'D LIKE TO MAKE SURE THAT THE COMMISSION UNDERSTANDS IS THE WIDESPREAD SUPPORT FOR RESPONSE TO INTER GOING BACK TO THE REAUTHORIZATION OF IDEA. STARTED BY A SUMMIT ON THESE ISSUES THAT WAS RUN BY OCEPT, IN WHICH A NUMBER OF LD STAKEHOLDER GROUPS PARTICIPATED. MY OWN ORGANIZATION HELD AN EFFORT WITH 10 LD STAKEHOLDER ORGANIZATIONS TO MAKE RECOMMENDATIONS ON STATUTORY CHANGE. NINE OUT OF 10 LD STAKEHOLDER ORGANIZATIONS AGREED TO THOSE RECOMMENDATIONS, WHICH REALLY CENTERED ON THE ISSUE OF GETTING RID OF THE IQ DISCREPANCY FORMULA AND MOVING TO A PROCESS THAT INCORPORATED REALTIME

98

STUDENT RESPONSE TO INSTRUCTION AND INTERVENTION. SECONDLY, 13 OUT OF 15 ORGANIZATIONS WE LED A SECOND ROUND TABLE. 13 OUT OF 15 ORGANIZATIONS -- THESE ARE MEMBERS OF THE NATIONAL JOINT COMMISSION ON LEARNING DISABILITIES, COMMITTEE ON LEARNING DISABILITIES -- 13 OF THE 15 SIGNED ON TO SPECIFIC REGULATORY RECOMMENDATIONS THAT WE MADE. AND WE FIGURED AT THE END OF THE DAY, ABOUT 80 PERCENT OF OUR RECOMMENDATIONS, INCLUDING

## May 4, 2011 Transcript of Meeting

DIRECT QUOTED LANGUAGE, MADE THEIR WAY INTO THE DEPARTMENT OF ED'S REGULATIONS CONCERNING LD IDENTIFICATION AND RTI. SO I WOULD INVITE COMMISSION MEMBERS OR OTHERS WHO HAVE MORE QUESTIONS ABOUT IT TO GO TO RTINETWORK.ORG, WHICH IS ONE OF MY OWN ORGANIZATION'S WEB SITES. IT INCLUDES PROCEEDINGS, VIDEOS, POWERPOINTS FROM A DECEMBER 8TH NATIONAL FORUM ON RTI IMPLEMENTATION, WHICH INCLUDED BOTH SOME OF THE DIFFICULTIES AND ABUSES OF RTI, AS WELL AS SOME OF THE SUCCESS STORIES OF RTI, INCLUDING PRESENTATIONS BY NOTED SCHOLARS, INDIVIDUALS FROM SCHOOL ADMINISTRATION, AS WELL AS PARENTS AND ADVOCATES. AND I THINK THAT SHOULD COVER IT.

>> THANK YOU, JIM. DAVE?

>> THANK YOU, GAIER. AS WE GET CLOSE TO WRAPPING YOU UP, I JUST WANTED TO THANK ALL OF THE MEMBERS WHO TRAVELED OUT OR PARTICIPATED BY PHONE, AS THE CASE REQUIRED, FOR BEING HERE FOR THE MEETING. I DO THINK IT WAS EXTREMELY PRODUCTIVE, BOTH OUR DISCUSSIONS AND WHAT WE HEARD FROM THE INVITED SPEAKERS. TO THE SPEAKERS WHO ARE REMAINING HERE, I JUST WANT TO SAY THANK YOU SO EVERYONE FOR YOUR TIME AND YOUR COMMITMENT AND CARING. I HOPE THAT EVERYONE FOUND THOSE AS SATISFYING AND HELPFUL TO OUR WORK AS I DID. WE DO HAVE AN UPCOMING PHONE CALL. THAT'S PRETTY FAR OUT DOWN THE ROAD, BUT I WOULD ASK THAT EVERYONE SAVE THE DATE FOR JUNE 24. THAT IS A CHANGE IN TIMING, BUT THAT ALLOWS US TO GET FIRST DRAFT OF THE REPORT, AS SKIP SPOKE ABOUT YESTERDAY, AND HAVE ABOUT NINE OR 10 DAYS TO PROCESS THE FIRST DRAFTS, AND THEN HAVE A REAL ROBUST DISCUSSION ON JUNE 24. I THINK WE ARE GOING TO FOCUS FOR THE AFTERNOON TO START OUR INITIAL DISCUSSIONS ON THE REPORT AND TO QUEUE UP SOME PERHAPS LARGER ISSUES FOR SEATTLE. THAT SAID, THE NEXT TIME WE GET TOGETHER IN PERSON WILL BE OUT ON THE WEST COAST IN JULY IN SEATTLE, AS PART OF THE AHEAD CONFERENCE. WE'RE ALL LOOKING FORWARD TO THAT, I'M SURE. GAIER ESPECIALLY

>> MY TIME ZONE

>> AS WITH EVERY OTHER MEETING THAT WE'VE HAD, I WELCOME YOUR INPUT AND SUGGESTIONS ON SPEAKERS. IF THERE IS FOLKS WE HAVEN'T HEARD FROM THAT YOU THINK THAT WE NEED TO, I AM, AS SOMEONE MENTIONED, PEROT YESTERDAY, ALL EARS ABOUT ANY SUGGESTIONS FOR SPEAKERS AND HOW TO STRUCTURE OUR TIME MOST USE FLY IN SEATTLE. AND AS A GENERAL NOTE, I'M ALWAYS OPEN TO ANY FEEDBACK WHATSOEVER FROM MEMBERS. IF THERE IS ANYTHING THAT YOU FEEL

99

HASN'T BEEN ADDRESSED THAT NEEDS TO BE, OR THINGS THAT WE COULD DO SLIGHTLY DIFFERENTLY, I AM HERE AND WANT TO KEEP LISTENING AND MAKING THIS AS SUCCESSFUL AS POSSIBLE. THANKS AGAIN FOR EVERYONE FOR BEING HERE IN THIS REALLY WONDERFUL SETTING AT THE BLACKWELL HOTEL, AND FOR YOUR PARTICIPATION.

>> AND I WOULD JUST LIKE TO END BY SAYING IN MY PERSONAL OPINION, A GOOD MEETING IS ONE WHERE EVERYONE HAS HAD SOMETHING TO SAY. AND I THINK WE'VE HEARD FROM ALMOST EVERY SINGLE COMMISSION MEMBER THIS TIME, AT LEAST ONCE. SO I REALLY WANT TO THANK YOU FOR YOUR PARTICIPATION. REMEMBER, THIS IS YOUR COMMISSION. AND WE REALLY DO WANT TO HEAR EVERYONE'S VOICE AND WHAT YOUR OPINIONS ARE. SO ON THAT'S WONDERFUL. NOW, WE WILL HAVE

## May 4, 2011 Transcript of Meeting

PUBLIC TESTIMONY STARTING AT 3:30. WE ENCOURAGE ANY OF THOSE COMMISSION MEMBERS WHO WOULD LIKE TO STAY. WHO ARE MY COMMISSION MEMBERS WHO HAVE AGREED IN ADVANCE THEY WOULD STAY? OH, EXCELLENT. OKAY. WE HAVE MORE THAN THE PEOPLE WE NEED, SO THAT'S REALLY GREAT. WE HAVE A FIVE-MINUTE BREAK UNTIL 3:30. I FORMALLY END THE MEETING AT THIS POINT. WE ARE ADJOURNED. THANK YOU ALL. (applause)

<h1>Error: 500</h1>

<h2>Location: /s/attachment</h2><b>Internal Servlet Error:</b>  
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