

# Reading Rights Coalition

February 23, 2011

Members:

AbilityNet  
American Association of People  
with Disabilities  
Association of Blind Citizens  
American Council of the Blind  
American Foundation for the Blind  
The Arc of the United States  
Association on Higher Education  
And Disability  
Bazelon Center for Mental  
Health Law  
Burton Blatt Institute  
DAISY Consortium  
Disability Rights Education  
and Defense Fund  
Disability Rights Legal Center  
Disability 411  
IDEAL Group  
International Center for Disability  
Resources on the Internet  
International Dyslexia Association  
International Dyslexia Association  
– New York Branch  
Jewish Guild for the Blind  
Knowledge Ecology International  
Learning Disabilities Association  
of America  
Lighthouse International  
Lighthouse for the Blind,  
San Francisco  
National Association of Law  
Students with Disabilities  
National Disability Rights Network  
National Federation of the Blind  
National Industries for the Blind  
NISH  
National Spinal Cord Injury  
Association  
Smart Kids with Learning  
Disabilities  
United Cerebral Palsy  
Xavier Society for the Blind

## **VIA E-MAIL AND FIRST CLASS MAIL**

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Dear President Loftin:

I write on behalf of the Reading Rights Coalition, a cross-disability group of over thirty organizations that are committed to ensuring that e-books are accessible to and usable by anyone wishing to read them.

It has been brought to our attention that Texas A&M University has entered into an agreement with Barnes and Noble to provide access to e-textbooks and course materials through the NookStudy program. The NookStudy website, the NookStudy software, and the NookStudy e-textbooks are inaccessible to people with vision disabilities. We encourage you not to move forward with your agreement, as doing so would violate numerous federal and state laws barring disability discrimination by colleges and universities, including Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act.

In 2009, members of the Reading Rights Coalition challenged the implementation of the inaccessible Kindle DX e-book reader at six colleges and universities. The Departments of Education and Justice undertook investigations of the institutions under Titles II and III of the ADA and Section 504, and reached settlements requiring the schools not to purchase, require, recommend, or promote the use of any e-book reader by students unless it is fully accessible to students with vision disabilities, ensuring it is equally effective for students with vision disabilities as for nondisabled students. A school may only rely on alternative means of providing access if the alternative ensures a blind person may access and acquire the same information, engage in the same interactions, and enjoy the same services as sighted students with substantially equivalent ease of use.

The Departments of Education and Justice followed these settlements with a letter to all college and university Presidents, making clear that “It is unacceptable for universities to use emerging technology without insisting that this technology be accessible to all students.”

As elsewhere, separate is inherently unequal and texts that are produced by your Department of Disability Services for your blind students lack the navigation, structural information and features to be found in the NookStudy program and in its e-textbooks. As such, Department of Disability Services texts cannot ensure a blind student can access the same information, engage in the same interactions and enjoy the same services as sighted students with substantially equivalent ease of use.

Because e-books, as zeros and ones, are not inherently visual, aural or tactile, they offer individuals the opportunity to access content through whatever method(s) are accessible to them. Accessible e-book readers create the opportunity for the first time for blind and visually-impaired students to have access to the same content, in the same manner, with the same features and at the same time as sighted students. This means that a blind student’s achievement could, finally, be primarily determined by her intellectual and creative abilities and work ethic, rather than impinged upon by unnecessary barriers relating to lack of sight. Thus, not only do we have no objection to the NookStudy once its website, software and e-textbooks are accessible, but we would eagerly embrace it.

Members of our Reading Rights Coalition will be addressing this issue aggressively and, where possible, in cooperation with, rather than as adversaries to, educational institutions seeking to implement e-textbooks. This is powerful technology, and the distribution of an inaccessible e-book technology that aggravates a gratuitous competitive inequality is completely unacceptable.

The inaccessibility of NookStudy does not result from the absence of existing technology to make the e-textbooks and their readers accessible. The inaccessibility of NookStudy is entirely the product of Barnes and Noble’s lack of interest in providing e-books that are accessible to people who are blind and visually-impaired.

When educational institutions insist on accessibility, accessibility happens. When iTunes U was inaccessible and the Massachusetts Attorney General and the National Federation of the Blind demanded of Apple’s 257 university partners that Apple make that service accessible, it resulted in an accessible iTunes and an accessible iPod, within three months. You now have a similar opportunity to effect similarly momentous positive change.

We recognize that the cost of print textbooks and environmental sustainability, among other reasons, make e-textbooks extraordinarily desirable for your students. If you hold the line on accessibility, competitive market forces will come into play that will enable you to provide *all* of your students equal access to e-books under the law. But unless you insist on accessibility, no vendor will bother to provide it.

R. Bowen Loftin  
Texas A&M University  
February 23, 2011  
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Because Texas A&M has apparently already gone forward with implementing the NookStudy, any meeting to discuss a possible resolution of this matter, with or without Barnes and Noble, must be scheduled as soon as possible. The blindness and cross-disability groups in this Reading Rights Coalition are not willing to compromise their options by delay. Accordingly, if you wish to discuss this further, please contact the undersigned on or before the close of business on March 9, 2011.

Very truly yours,

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