Frequently Asked Questions

1. Do LEAs have to report only on new purchases from the previous year or on renewals too?
   - An LEA must report a purchase any time funds are awarded. If the LEA is exercising an extension that uses funds, then yes, it must be reported.
2. If another LEA has already reviewed a digital tool and it meets equivalent access standards, do other LEAs need to review the tool as well?
   - Yes, the responsibility is with the LEA that is purchasing the digital tool to complete an evaluation; LEAs must have an evaluation on file of every digital tool.
3. Is there a template or other guidance for what that evaluation on file looks like?
   - By law, it is up to the LEA to develop the process. There are best practices that have been shared and MSDE can reshare this information if requested. There is no state developed evaluation or evaluation process.
4. Can we get a copy of this document so we can begin our work?
   - The data collection tool will be posted on [Equivalent Access for Students with Disabilities (Md. Code, Educ. § 7-910)](#).
5. What is the location of last year's report?
   - [Equivalent Access for Students with Disabilities (Md. Code, Educ. § 7-910)](#), https://www.marylandpublicschools.org/programs/Pages/ITSLM/Accessibility/local-accessibility.aspx
6. Will MSDE conduct an audit to see if evaluations exist for each digital tool?
   - At this time, MSDE is not planning to audit the LEAs. MSDE is reporting LEA compliance to the law and is not collecting the evaluations.
7. Does an LEA need to test the actual devices the students use when using or modifying another LEA's evaluation?
   - Yes, you are talking about best practices and what assistive technology (AT) and devices "my" students use. If the tool is truly accessible, then the assistive technologies utilized by the students should not impact the evaluation, however best practice are to use the AT used in your LEA.
8. I understand that each LEA should decide what their process will be to conduct the evaluation. What needs to be in the accessibility report?
   - The report should be specific to the current accessibility level of the digital tool under consideration. This can then be used to work with the vendor to determine the next steps, roadmaps or modifications necessary to ensure compliance. The report should follow best practices.
9. Can you explain the MSDE approval for pedagogical value question?
   - This question is a result of feedback received from LEAs. LEAs wanted the ability to indicate that a tool was approved by MSDE based on pedagogical need. This question allows MSDE to look at what is being approved for student use in Maryland and make sure MSDE doing their due diligence as well to get any issues resolved.
10. Is there a list of MSDE approved resources?
    - No, not at this time.

11. So, will there be digital resources that are not 100% accessible and will be on the report and published as no?
    - Yes. The law states (e)(1)(i) Following an evaluation of digital tools, the State or local school system shall, from among digital tools that offer pedagogical value, prioritize the available product that best meets the specifications and has the greatest functionality for equivalent access for students with disabilities, including blindness.
    - Currently, LEAs are prioritized based on the law, as it is LEA decision before Oct of 2024-after October 1, 2024. Then, the LEA must notify MSDE if they wish to procure an inaccessible digital tool. (2)(i) If a local school system determines that a product that meets the equivalent access standards is not available, or obtaining an available product would fundamentally alter the nature of the instructional activity, or would result in an undue burden, the local school system shall notify the Department.

12. When identifying accessibility does it include students who have accommodations? Does the tool need to be accessible without other accommodations being put in place?
    - Accommodations should not mask accessibility issues of a digital tool. If a digital tool is not accessible, many of the accommodations or assistive technology tools will not work appropriately.

13. What if a human reader provides assistance?
    - The law states that (h)(1) If digital tools are provided to a student without a disability and not to a student with a disability, the State or Local school system shall implement an alternative method of instruction, including use of other digital tools, if available, designed to enable a student with a disability to achieve the same instructional outcomes consistent with the student's IEP Plan, as defined in § 8-408 of this article, or the student's 504 Plan, as provided under the federal Rehabilitation Act of 1973.
    - A human reader is not considered equivalent access. The aim is to get away from partner activities and paper pencil activities and allow students to have equivalent experiences.

14. If there is a team completing the process how should that be noted in the report? Is there a lead chosen for that as well?
    - The team should choose an individual who the question will be funneled through, and then they can let the other members of the LEA team know.

15. If we choose other, do we need to explain?
    - No, but MSDE may reach out to you for some additional information at another time.

16. Are LEA comments required? If so, what is suggested to go there?
    - Comments are not required and comments that are added are published on MSDE's website as submitted so please be cognizant of what is written.
    - Only PII will be removed prior to publishing.

17. Is there a list of the digital tools that have been approved by MSDE for pedagogical value?
    - There are approved programs of study for CTE and approved online courses, but there is no list for digital tools.

18. Is the LEA supposed to answer these new questions, based on the timeline of the last fiscal year or based on what their current state is?
    - The reporting tool is for the previous fiscal year. The October 2024 submission is looking at procurements that were completed for FY 24.
    - LEAs can use the comment section to notate any changes that will account for items that may not have initially been included.

19. Is the report on only new digital tools or on everything?
    - The report requires LEAs to report on digital tools developed or purchased during the previous fiscal year.
20. Does MSDE have the ability to house a location to see what accessible tools are used and store all VPATs in the same place?
    - At this time, MSDE does not plan to create a repository to collect LEAs evaluations or VPATs.
21. If there is a subscription for 3 years that was purchased in 2023, does it have to be included in this report?
    - If a digital tool is paid for each year, then it must be reported each year. If it is paid for once, then it is only reported the year it was paid for and not each year.
22. You just used the words "using funds." Does this mean that free tools are not subject by the law?
    - Free tools are required to be accessible. Many times, they are part of a developed curriculum. The statute as written only required the VPAT for invitation for bids or request for proposals so free tools included in developed content may not require a VPAT..
23. Would the free tool still need to be reported?
    - The statute requires LEA to submit a report on the accessibility of the digital tools the local school system developed or purchased. If the tool is part of the developed product, then it should be reported. LEAs are not responsible for reporting on tools a teacher selects without the LEAs knowledge.
24. Would a single sign-on portal count that includes a free tool, i.e. Clever, be reported?
    - Yes, if LEA provides an option of this free tool to teachers, then it should be reported.
25. What should be done with an approved digital tool piece?
    - LEAs are able to indicate if the digital tool was approved by MSDE for pedagogical value. This does not excuse LEAs from getting the VPAT/ACR and evaluating for accessibility.
26. Can you define what MSDE defines as a "procurement template" - is that the same in general contract articles for RFPs, evaluation and selection processes and associated forms?
    - Yes, what is used to get that digital tool. Whatever document the vendor sees before they bid.
27. What is the best way to address two items purchased through one contract?
    - Each digital tool should be reported separately.
28. For approved digital tool piece, how will it be differentiated when to check Yes or No?
    - It depends if an MSDE office said to utilize a specific tool or if it was mentioned or highlighted in an LEA event.
29. The word voluntary is in the name VPAT, but what if a vendor doesn't want to submit this?
    - It's in the name but it is not voluntary. Vendors must submit an ACR which is the completed VPAT. If vendor refuses, then the LEA needs to indicate on the form.
30. Is there any insight or feedback from last year as to how we might approach Industry Standard Certifications this year?
    - MSDE is working on guidance on the industry recognized credentials and CTE courses. This guidance will be released in the near future.

31. What does the report mean by "conforms to equivalent access"? Does it mean all standards have to be met or can it be less than 100%?
    - There is not a threshold that a digital tool must achieve. The digital tool must meet the Equivalent Access Standards as defined by the law.