

## 2024 LEA Annual Report on Digital Tools

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This technical assistance document is being issued to address certain questions posed by LEAs to MSDE regarding the § 7-910 reporting requirements. In some cases, questions have been re-phrased in order to address the issue to the larger LEA audience.

### **Please clarify the reporting requirements in Column D, the Digital Tool was approved by MSDE for pedagogical value.**

Column D requests the LEAs to indicate if “The Digital Tool was approved by MSDE for pedagogical value.” This question was added to the 2024 report based on LEA feedback received on the 2023 report where many LEAs wanted to be able to indicate if a tool was approved by MSDE on pedagogical value. MSDE provided technical assistance during the summer of 2024 on the changes to the report. The technical assistance can be accessed at [Equivalent Access for Students with Disabilities](#).

Currently, MSDE has Approved Programs of Study within the Office of College and Career Pathways and Maryland Virtual Student Learning Opportunities within the Office of Professional Learning and High-Quality Instructional Material (HQIM) that are approved for pedagogical value.

### **Please clarify the reporting requirements in Column G, the LEA certifies that for digital tools developed or procured during fiscal year 2024, specifically beginning on September 1, 2023, it has required the vendor to submit an accessibility conformance report using a Voluntary Product Accessibility Template (VPAT) that complies with § 7-910(c)(2)(ii) and that VPAT is on file with the LEA. Why is MSDE asking about the fiscal year? Can MSDE break this down into two questions?**

Column G asks that LEAs certify that for digital tools developed or procured during fiscal year 2024, specifically beginning on September 1, 2023, it has required the vendor to submit an accessibility conformance report using a VPAT that complies with § 7-910(c)(2)(ii) and that VPAT is on file with the LEA. Section 7-910(c)(2)(i) requires the vendors to submit an accessibility compliance report that includes a VPAT. MSDE is asking for information about the current fiscal year based on § 7-910(i)(1) that requires LEAs to report on the accessibility of digital tools the LEA developed or procured during the immediately preceding fiscal year.

At this time, MSDE does not see any need to revise the language to be two separate questions as the question aligns with the statutory requirement under § 7-910(c)(2)(ii). If the LEA believe that it needs to clarify its answer, it may do so in the “Comment” column.

### **Please clarify the reporting requirements in Column K, the LEA certifies that this digital tool, purchased or developed during the fiscal year 2024, has an accessibility evaluation on file that complies with § 7-910(c)(3). What information should be included in the accessibility evaluation the LEA conducts?**

Column K asks that the LEAs certify that this digital tool, purchased or developed during the fiscal year 2024, has an accessibility evaluation on file that complies with § 7-910(c)(3). The statute requires the LEA to develop a process to evaluate a digital tool and conduct the evaluation. The process established by the LEA and its accessibility evaluation should align with the accessibility requirements identified in applicable laws and technical standards, including § 7-910, Section 508 of the federal Rehabilitation Act, Web Content Accessibility Guidelines (WCAG) 2.1, Level AA. The LEA should include the information necessary to conduct a sufficient

accessibility evaluation. LEAs should maintain accessibility evaluations in order to respond to any requests by MSDE during the notification process and in accordance with their own record retention requirements..

At this time MSDE is not collecting the accessibility evaluations that are conducted based on the evaluation process established by the LEA. However, MSDE reserves the right to request access to the evaluation if necessary to conduct the required consultation process established under § 7-910(e)(2)(ii).

**Please clarify the requirements of COMAR 13A.06.05.06. Products the LEAs purchase do not always comply with the technical standard and we do not want to be responsible for products we have no control over..**

COMAR 13A.06.05.06 requires that “Each local board of education and public agency shall comply with WCAG 2.1 Level AA (June 5, 2018) when purchasing or selecting digital learning resources to provide equitable learning opportunities for all students.” The requirement of COMAR 13A.06.05 is acknowledged and referenced in § 7-910(j)(1) and (2). The technical standard set forth in regulation should be familiar to the LEAs. It was issued in June 2018. It is the same technical standard set forth in the Final Rule on “Accessibility of Web Content and Mobile Apps Provided by State and Local Governments,” which became effective in June 2024.

LEAs are required to follow the processes set forth in § 7-910 by the General Assembly. MSDE strongly encourages LEAs to make a commitment to purchasing or developing accessible digital tools.

**Can MSDE release a guidance document for LEAs to follow regarding the process or checklist that can be used when completing the equivalent access and nonvisual access standards review?**

MSDE has encouraged LEAs to follow best practices ([Evaluating Web Accessibility Overview](#), [Accessibility testing: creating digital services everyone can use](#)), when evaluating digital tools for conformance to the § 7-910. The responsibility is placed on the LEA under § 7-910 (c)(3)(i) to establish a process to evaluate a digital tool for conformity with the requirements. § 7-910 (c)(3)(ii) requires LEAs to include an employee or a contractor of who: 1. Specializes in accessibility and Web Content Accessibility Guidelines; or 2. Is a blindness specialist who is knowledgeable in accessibility.

The advantage of the WCAG is that it is a stable, referenceable technical standard that contains testable success criteria, which should be familiar to the individuals the LEA has conducting the accessibility evaluation of digital tools. A WCAG quick reference guide may be found here: [How to Meet WCAG \(Quick Reference\)](#)

**Can MSDE establish exemptions from the § 7-910 Notification Process if the LEA submits a vendor management plan whereby the vendor indicates it is making improvements in the accessibility of its digital tools?**

§ 7-910 (e)(2)(i) requires LEAs to notify MSDE if the LEA determines that a product that meets the equivalent access standards is not available, or if obtaining an available product would fundamentally alter the nature of the instructional activity or would result in an undue burden. The statute does not allow for exemptions to this process. .

**Will MSDE be developing a digital tool clearinghouse to review digital tools on behalf of the LEAs?**

§ 7-910 places the responsibility on LEAs to conduct accessibility evaluations of digital tools that it seeks to procure or develop. There is no language in the statute that would prohibit LEAs from working together in conducting their review of digital tools.

**How does MSDE plan to support LEAs in the implementation of the statute?**

MSDE has been actively supporting the LEAs in a variety of ways. MSDE has developed comprehensive training materials regarding the notification process. MSDE has engaged with, and continues to engage, other agencies within the State and nationally to look for additional opportunities to support the LEAs. MSDE has partnered with MDOD and National Federation of Blind (NFB) to provide four educational webinars around the statute. MSDE continues to seek partnerships and opportunities to support LEAs in the commitment to providing accessibility digital tools to schools and students.

## § 7-910 – Notification to Obtain a Digital Tool that Does Not Meet Equivalent Access Standards

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**Does MSDE plan to revise the § 7-910 – Notification form to allow LEA to have multiple staff submit requests?**

The form is created through Microsoft 365 and requires LEAs to log in to an MSDE account to submit the annual report and the notification of intent to procure inaccessible digital tools. Each LEA is assigned one generic login that is not tied to specific staff within the LEA to submit the request or report. MSDE will continue to explore options and work with LEAs if they experience issues as MSDE wants to establish a process that is efficient and effective for LEAs.

## § 7-910 Content Area Questions

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**Please provide an explanation of the role the VPAT plays in evaluation of digital tools.**

The VPAT is an evaluation tool and not the standards by which a digital tool is evaluated for accessibility compliance. § 7-910 requires “(2)(i) Beginning September 1, 2023, an invitation for bids or request for proposals for a digital tool issued by the State Board or a local school system shall require a vendor to submit an accessibility conformance report that includes a Voluntary Product Accessibility Template”.

The VPAT should evaluate the digital tool on a compliance level established under Section 508 of the Rehabilitation Act and in COMAR 13A.06.05, Web Content Accessibility Guideline (WCAG) 2.1 Level AA. Digital tools may not fully comply with all the success criteria under Section 508 or WCAG 2.1 Level AA and these areas of non-compliance would be documented in the VPAT.

**How should LEAs treat digital tools that rely on visual special representations in order to engage students at a high cognitive level, when full accessibility would “take away some of the rigor”?**

A digital tool can be accessible and not “take away some of the rigor” because students needing access to the described visual would not impact the students accessing the “visual special representation”. For example, the images, photos, graphics that are included in the “visual special representations” would have an equivalent alternative text available for blind students using a screen reader.

**The LEA has print materials available for students with visual impairments and we can always look at equitable alternatives for Gifted and Talented (GT) students with visual impairments should that situation come our way. Does that mean we are exempt from the requirements of § 7-910?**

The LEA still must follow the requirements of § 7-910. If digital tools are provided to a student without a disability, pursuant to § 7-910(h)(1), the LEA must to “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 Individualized Education Plan (IEP), as defined in § 8-408 of this article, or the student's 504 Plan, as provided under the federal Rehabilitation Act of 1973.” Print materials may be alternatives that may be used in those circumstances.

**It appears that our content area is facing more significant challenges compared to other departments, as many of the platforms we use are heavily reliant on visual and spatial elements. Do you have any suggestions or ideas on how we can navigate this challenge?**

The content office should work with the LEA accessibility point of contact with respect to the process the LEA is required to established pursuant to § 7-910(c)(3)(i) to “evaluate a digital tool being considered for development or purchase.” If the LEA “determines that the digital tool product that meets equivalent access standards is not available, or if obtaining an available product would fundamentally alter the nature of the instructional activity or would result in an undue burden” under § 7-910(e)(2)(1), then the LEA notifies MSDE of the intent to obtain an inaccessible product.

**Does MSDE plan to develop an opt out for Career and Technical Education (CTE) programs of study and Industry Recognized Credentials (IRC) digital tools?**

§ 7-910 requires that LEAs notify MSDE of the intent to procure all digital tools that do not meet accessibility requirements, including digital tools tied to CTE programs of study and IRCs. The statute does not give MSDE the authority to establish an opt out for CTE programs of study and IRCs that have been approved for pedagogical value by the State. MSDE has developed guidance for LEAs that will be distributed to CTE directors.

## Digital Tools

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**Does § 7-910 require LEAs to notify and report on non-student facing or operational digital tools?**

§ 7-910 (a)(2) defines digital tools to include online platforms, online courses, information and communication technology (ICT) services (directly connected to student instruction), digital content and other digital technologies not requiring sight. LEAs should be reporting on digital tools procured and notifying MSDE of the intent to procure inaccessible digital tools as required by the statute.

**Do LEAs need to notify MSDE of the intent to use free digital tools that are not accessible?**

Yes, if the LEA intends to include free digital tools as part of their developed digital content, then they should notify MSDE pursuant to § 7-910(e)(2).

**How should LEAs handle agreements without funds?**

If the LEA is developing a digital tool pursuant to an agreement of any kind, the tool should comply with accessibility standards or the LEA should follow the notification process pursuant to § 7-910(e)(2).

**How should LEAs handle existing content?**

LEAs should seek to ensure that all digital tools meet accessibility standards. The requirements of § 7-910 are forward looking.

**What should an LEA do when there is no ACR (VPAT)? For example with approved programs of study that are necessary for the LEAs to meet the Blueprint requirements?**

§ 7-910 requires vendors to submit an ACR for procurements, the approved programs of study must comply with the law.

**How should LEAs handle MSDE Partners when they promote and recommend inaccessible digital tools?**

§ 7-910 seeks to ensure that all digital tools procured by LEAs meet accessibility standards. It is the responsibility of the LEA to comply with § 7-910.

**When an LEA is procuring digital tools using Title IV funds for a non-public school, does § 7-910 apply?**

If the LEA is purchasing a digital tool, it should comply with the requirements of § 7-910.