

Cognitive Access Parity

A Position Statement of the Center for AI Equity and Access (CAEA)

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The Principle

Any educational institution required to provide physical access to its buildings must provide cognitive access to its instruction and assessments.

A ramp at the front door and a test read aloud are the same category of thing: access infrastructure. Neither changes what is inside the building or what is on the test. Each removes a barrier that is irrelevant to what the institution claims to offer or measure.

American law settled the question of physical access decades ago. No school may lawfully tell a child who uses a wheelchair that the stairs are simply how the building works. Yet schools across the country may still lawfully tell a child with a documented print disability that the printed test is simply how the class works. We call this gap the cognitive access gap, and we call for its closure: Cognitive Access Parity.

What This Looks Like in a Child's Life

A student with a documented disability requiring read-aloud accommodation attended a private religious school. His classwork was good. His assignments were passing. He understood the material and could discuss it. He failed the course — a religion course — for one reason: the tests were delivered in print only, and no adult would read the questions aloud.

The school's building had a ramp at the entrance, because building codes required one. The school's tests had no equivalent, because no law required one. The same institution, on the same day, provided the concrete ramp and refused the cognitive one. The student's grade did not measure his knowledge of the subject. It measured his disability — repeatedly — and recorded the result as failure. *This case is documented in CAEA's longitudinal case study series (CS001).*

The Legal Asymmetry

This outcome was not a misunderstanding of the law. In most cases, it is the law.

- **Public schools** must provide accommodations under IDEA and Section 504, including supplementary aids and services that keep students in the least restrictive environment.
- **Private schools** owe no individual right to a free appropriate public education to parentally placed students. ADA Title III obligations on non-religious private schools are limited by broad “undue burden” defenses.

- **Religious schools** are largely exempt from ADA Title III entirely — while remaining subject to the building and fire codes that guarantee physical access.

The result: a family can pay full tuition to an institution that is legally required to ramp its doorway and legally free to refuse to read a test aloud. The institution takes what the child and family offer — enrollment, tuition, effort — and withholds what the child needs. CAEA has named this structural pattern elsewhere; this statement addresses one of its legal foundations.

The “Undue Burden” Defense Is Obsolete

Where accommodation law reaches private institutions at all, it offers an escape hatch: an accommodation may be refused if it imposes an “undue burden.” That defense was written in 1990, for a world in which read-aloud meant scheduling and paying a human reader, accessible formats meant special printing runs, and assistive technology meant dedicated, expensive equipment.

That world no longer exists. Text-to-speech is built, at no cost, into every operating system on every device schools already issue and students already carry. AI-based supports extend the same access dynamically, at marginal costs approaching zero. The most common cognitive accommodations — read-aloud, enlarged text, speech-to-text — now cost less than the ramp at the front door that every school already built.

A defense built on cost cannot survive the disappearance of the cost. When the accommodation is already in the student’s backpack, refusal is not a burden argument — it is a choice. The question schools must now answer is not “What would this cost us?” but “What, exactly, is the burden in helping a struggling student understand?” There is no longer an honest answer.

The Standard: What Is This Assessment Actually Measuring?

Cognitive Access Parity does not lower standards, alter curricula, or guarantee outcomes. It rests on a single discipline that strengthens assessment rather than weakening it:

An accommodation is required when it removes a barrier unrelated to the skill being measured, and is not required when it would change the skill being measured.

Reading a mathematics test aloud does not change what the mathematics test measures. Reading a decoding-fluency assessment aloud does. The first is a ramp; the second would move the finish line. Schools sometimes invoke the rare second case to deny the common first one. Cognitive Access Parity requires institutions to answer the construct question honestly, in writing, every time an accommodation is denied.

Cognitive Access Includes Assistive Technology

Read-aloud is the simplest cognitive ramp — one barrier, one fix. Modern assistive technology, including AI-based supports that adapt to a student's own words and pace, extends the same principle dynamically. Cognitive Access Parity therefore defines access accommodations to include assistive technology, explicitly including AI-based cognitive supports, where they provide access to instruction and assessment without altering the construct being measured. A jurisdiction that mandated wheelchair ramps in 1990 should not still be debating cognitive ones in 2026.

What CAEA Calls For

1. **Voluntary adoption now.** Every school — public, private, or religious — can adopt the Model Cognitive Access Policy (attached) today. No legislation is required for an institution to do what is right.
2. **Public dollars carry access obligations.** Any school accepting public funds — vouchers, education savings accounts, tax-credit scholarships, or direct aid — must provide access accommodations to students with documented disabilities as a condition of those funds.
3. **State Student Cognitive Access Acts.** States should require access accommodations for documented disabilities in all schools operating within their borders, with accommodations defined to include assistive technology.
4. **Federal parity.** Congress should close the cognitive access gap — ensuring that every educational institution required to provide physical access provides cognitive access on equal terms.
5. **Accreditation standards.** Accrediting bodies should require a written accommodation policy, including a construct-based denial standard, as a condition of accreditation.

We do not ask schools to change what they teach or what they measure. We ask them to stop measuring disability and calling it achievement. The ramp at the door was never controversial once it was named. Neither will this be.

ATTACHMENT

Model Cognitive Access Policy

A one-page policy any school may adopt voluntarily, effective immediately

[School Name] is committed to measuring what students know, not the barriers they face. Accordingly, the school adopts the following policy:

1. **Recognition.** The school accepts documentation of disability from a licensed professional, a current or expired IEP or 504 plan, or an equivalent evaluation, as establishing a student's need for access accommodations.
2. **Default access accommodations.** For students with documented need, the school provides, at minimum: read-aloud of directions and test items; extended time; scribing or speech-to-text; enlarged or digital formats; and assistive technology, including approved AI-based supports, for instruction and assessment.
3. **The construct standard.** An accommodation is provided whenever it removes a barrier unrelated to the skill an assessment measures. An accommodation may be declined only when it would change the skill being measured (for example, read-aloud on an assessment of reading decoding itself).
4. **Written denials.** Any denial of a requested accommodation is issued in writing within ten school days and must identify the specific skill the assessment measures and explain how the accommodation would alter it.
5. **No academic penalty.** Work and assessments completed with access accommodations are graded on the same scale, weight, and standards as all other student work, with no notation of accommodation on transcripts or report cards.
6. **No financial penalty.** The school does not charge additional tuition or fees for access accommodations provided under this policy.
7. **Review.** A family may request review of any denial by the head of school, who responds in writing within ten school days. Records of requests, provisions, and denials are retained and reviewed annually.
8. **Training.** All instructional staff receive annual training on this policy, including how to apply the construct standard and how to deliver accommodations consistently.

Adopted by: _____ Date: _____

Title: _____
