

Declaration of Christine Grassman

Re: ADA Title III and Section 504 of the Rehabilitation Act: Pace University/Kindle DX

I, Christine Grassman, declare as follows:

1. The facts in this declaration are based upon my personal knowledge. If called to testify, I could testify competently to the facts described in this declaration.
2. My name is Christine Grassman.
3. I live in Merrick, New York.
4. I am a member of the National Federation of the Blind.
5. I have been totally blind since birth.
6. I graduated from Pace University in May 2006 with a Master's degree in Education.
7. I work full-time as a teacher for the New York City Department of Education where I prepare at-risk students to take the GED examination.
8. Prior to becoming a teacher, I was a practicing attorney. I have a bachelor's degree from Princeton, and a law degree from Hofstra University. I am licensed to practice law in New York.
9. In 2004, I applied to and was accepted into the New York City Teaching Fellows program. This program trains professionals to become teachers in New York City's public schools. While working full-time as teachers, Fellows must pursue a Master's degree in Education part time at select universities, including Pace University. Fellows must also commit to teaching for at least two years in at-risk schools. The program enrolled me in the Master's program at Pace University in the summer of 2004 and I graduated with my degree in May 2006.
10. My courses at Pace required textbooks and materials on subjects such as curriculum design, at-risk students in the classroom, and other topics related to teaching and education theory.

11. Because I am blind I cannot read print. My preferred reading format is Braille. However, because so few books and textbooks are available in Braille, and because the process of converting textbooks into Braille is time consuming, I often read books in an electronic text format using automated text-to-speech software that "reads aloud" the text on my computer. Alternatively, I hire a reader to read the text of a print book to me or record it on a tape or CD so that I can listen to it later.

12. During my first year at Pace, I hired friends as readers to read aloud the assigned readings from my textbooks and record them on tapes or CDs. Juggling a full-time teaching job, part-time graduate program, and two small children, while trotting around the city to get from work to school and home, I did not want to squander time or cede control over my reading material to the Disabled Student Services office at Pace. I preferred to rely on readers I know and trusted to provide me with the quality of reading I needed and submit the tapes in advance of the due dates for my reading assignments, so I could assure I would be prepared for class.

13. Audio recordings of my reading assignments are sufficient for me to review small quantities of material that I only need to read through once. My second year at Pace, however, I had an increased volume of reading. I was also enrolled in a research course which would require in-depth and repeated readings of the assigned textbooks. For these books, audio recordings would not provide the control, ability to go back and forth through the text, provide spellings, highlight and mark up passages, and other reading features I would need. Instead, I needed accessible electronic formats of those textbooks.

14. Because I am an independent person who is used to doing things for herself, well before the course started, I contacted the publisher of the textbooks I needed directly and asked to purchase accessible electronic formats. The publisher told me that, while it may have electronic files of the textbooks I needed, I could not purchase them independently. Rather, the Office of Disability Services (ODS) at Pace University would

have to submit a request on my behalf. Despite a subsequent call to the publisher from my academic advisor, confirming that I am blind and legitimately needed the textbooks for my classes, the publisher made it clear that it would not provide the books without a formal request submitted by Pace University.

15. Frustrated, I went to Pace's ODS, which is housed in, and is a part of, the Pace Counseling Center. The ODS informed me that before it could place a request on my behalf to the publisher for the books I needed, I would first have to submit medical proof of my disability and complete a disability registration form. Then, I would have to purchase the print textbooks at full price and provide the receipts to the office. Only after I had completed all of these steps, would the office request the electronic file from the publisher.

16. I felt humiliated and angry that I was forced to go to the Counseling Center, register and prove my disability, and relinquish control and independence over my reading material, simply to access the textbooks my sighted classmates already had. I could not understand why I had to jump through all these hoops and go through a separate system to read the assignments my classmates could acquire independently. After an extensive email campaign and a phone call or two with the Director of the Counseling Center, as well as correspondence with one of Pace's attorneys, it became clear that I had no other choice if I wanted to obtain an accessible format of the book. I provided medical documentation of my disability, purchased the print textbooks through Amazon.com and provided the receipt to the counseling center.

17. It took at least three weeks for the textbooks to arrive. By that time, I had already fallen significantly behind in my class. As a teacher, I expect my students to come to my classes fully prepared. I expect no less from myself as a student. Without the textbooks, however, I could not complete my reading assignments. I felt completely unprepared for class and was unable to participate intelligently in class discussions. I did not fully understand the lectures and discussions during class because I had not had an

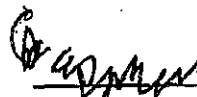
opportunity to read the assignments. I take education very seriously.

18. Although already behind, I fared little better with publisher's electronic files that I received through the ODS because these files were not fully accessible. Each section of the book was a separate file (one file for the front cover, one with the table of contents, etc.), forcing me to jump from file to file to locate my reading assignments. Moreover, it was very difficult to read the text within the files because the headings, page numbers, and other structural data were not identified. In addition, the reading order on the page did not function with my screen-access software, often resulting in a delayed voice or reading the text out of order. The experience was very frustrating and made it very difficult to read. I struggled through the rest of the class until graduation.

19. The ability to have instant and independent access to electronic textbooks accessible through text-to-speech, with all the structural markings in place, the ability to highlight and mark up passages, to navigate the chapter headings and structural markers – in short, to have the same reading experience and access to textbooks as my sighted peers – is something that, as a blind person living in a print era, I have never had. Moreover, in my experience, Pace University simply cannot offer its blind students instant, independent access through alternate formats.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 25th day of June, 2009, at Merrick, New York,



CHRISTINE GRASSMAN