

Laws, Guidelines and Standards of Digital Accessibility



Session presented by:

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Session Objectives



Participants will be able to identify and explain the following:

- ✓ what the law says about digital accessibility
- ✓ resources for US and International standards for digital accessibility
- ✓ the requirements of recent settlement agreements
- ✓ strategies to reduce potential risk of lawsuits and complains

Session Presenter: John Rempel



John Rempel

QA Accessibility Analyst

AMAC Accessibility at Georgia Tech

**Usability/Accessibility Specialist and Project
Manager of AccessGA**

Presenter: Valorie Sundby



Valorie Sundby, CPACC, PCWA Web Accessibility Compliance Specialist

Valorie is a Web Accessibility Compliance Specialist with AMAC Accessibility at the Georgia Institute of Technology and is a member of the IAAP Certification Committee.

“Accessibility is not a destination, it is a journey.”

AMAC Accessibility Solutions



AMAC Accessibility is a social change organization on a mission to create affordable services for governmental, private and non-profit organization working with individuals with disabilities. Services include e-text, braille, captioning, assistive technology, office management software and consulting.



AMAC Services



AMAC creates practical solutions that work, with a focus on utility, ease of use, and high quality.

- **Accessibility Consulting** focuses on organizational accessibility needs with evaluation, technical assistance, customer support, and website accessibility solutions.
- **Braille Services** produces customized projects from both print materials and electronic text including partial books and chapters, or graphics only, using cutting-edge technology.
- **Captioning Services** makes classrooms, meetings, labs, and other audio environments fully accessible for the deaf or hard-of-hearing.

Additional AMAC Services



AMAC creates practical solutions that work, with a focus on utility, ease of use, and high quality.

- **Audio Description Services** makes visual information present in multimedia accessible to persons who are blind or low vision.
- **Professional E-Text Producers** provide high-quality e-text in many formats such as PDF, DOC, DAISY, and HTML.
- **AMAC's Certified Assistive Technology team** provides on-site and remote assessments, demonstrations, training, and technical assistance for education, work, and daily living environments.

AccessGA represents a joint initiative of the Georgia ADA Coordinator's Office, AMAC, and GTA. The objective is to support Georgia's state agencies with ICT accessibility, and promote equal and timely access for employees and customers with a wide range of disabilities.

AccessGA Offerings



Webinar Offerings

Technical Assistance and Hands-On Training

Monthly Newsletters

Up-to-Date Wiki of ICT Accessibility Resources
and Information

Web Accessibility Audits

Procurement and VPATs



Web Accessibility Group (WAG) for Higher Education



Began 2011

Purpose

- **Bring together individuals seeking to comply with web accessibility laws and implement accessibility guidelines and best practices**

Benefits

- **Listserv**
- **Monthly (Online) Meetings**
- ***Special Events***
- **Spotlight**
- **Website**

What Does the Law Say?

Georgia's Accessible ICT Initiative



Mike Galifianakis
Georgia State ADA Coordinator





Accessibility Laws

- **ADA** – Prohibits discrimination on the basis of disability in commercial and public entities
 - “public entities” in EIT is not well defined as it applies to the web
 - Applies to State and Local Governments
 - Businesses that serve the public
- **Rehabilitation Act of 1973**
 - **Section 504** – ensures equal access to education
 - **Section 508** (Refresh aligns with WCAG 2.0 AA for EIT) – requires that Federal agencies make EIT accessible. Includes entities that receive federal funds.

Title II of the ADA



A public entity shall

- Communication with people with disabilities as effective as with people without disabilities
- Furnish appropriate auxiliary aids to afford equal opportunity to participate in, enjoy benefits of services, programs and activities
- Provide aids, alternate formats, services in a timely manner that protects privacy and independence of the person with a disability
- Exceptions: fundamental alteration in the nature of the service, program or activity; undue financial and administrative burdens

Section 504 of Rehab Act



Public entities shall not discriminate on the basis of a person's disability in any program or activity which receives Federal financial assistance. Entity may not:

- Deny any aid, benefit or service based on disability
- Afford participation in or benefit from aid, benefit or service that is not afforded to people without disability



Section 508 Refresh (ICT Refresh)

1998 Amendment to the United States Workforce Rehabilitation Act of 1973, a federal law mandating that all electronic and information technology developed, procured, maintained, or used by the federal government be accessible to people with disabilities.



Section 508 Refresh Continued...

Section 508 of the Rehabilitation Act, as amended in 1998

Section 508 *Refresh* (ICT Refresh)

- U.S. Access Board Final Rule published Jan. 18, 2017

Compliance Date/Safe Harbor Provision

- Comply by Jan. 18, 2018
- Safe Harbor: Legacy ICT that has not been altered after compliance date



Application of Law



- ADA
 - OCR Complaints
 - DoJ Investigations and Litigation
- Civil Law Suits
 - Demand Letters





Accessibility Resources for Understanding Standards

Section 508 Refresh



“Electronic and Information Technology Accessibility Standards ...new guidance harmonizes with worldwide standards such as the [W3C's Web Content Accessibility Guidelines \(WCAG\) 2.0 \(link is external\)](#).”

[Section 508 Refresh Toolkit](#)



Access Board



“The U.S. Access Board is a federal agency that promotes equality for people with disabilities through leadership in accessible design and the development of accessibility guidelines and standards for the built environment, transportation, communication, medical diagnostic equipment, and information technology.”

[US Access Board](#)



W3C - World Wide Web Consortium

WCAG 2.0 - Web Content Accessibility Guidelines

A technical standard “with a goal of providing a single shared standard for web content accessibility that meets the needs of individuals, organizations, and governments internationally.”

- [Overview](#)
- [How to Meet](#)
- [Guidelines](#)
- [Techniques](#)
- [Understanding](#)
- [Conformance](#)

Bringing WCAG 2.0 to Life



WCAG 2.0 Overview



Who is WCAG 2.0 for?

- Developers of tools
- Authors of EIT content

What is WCAG 2.0 ?

- Stable, referenceable technical standard
- 12 Guidelines under 4 principles (POUR)

FUTURE: WCAG 2.1 – currently under development

[Overview](#)

WCAG 2.0 How to Meet



- Customizable Reference (Filter)
- Quick Reference to Guidelines
- Used as a Checklist
- Primary Navigational Resource

[How to Meet](#)



WCAG 2.0 Guidelines Levels A & AA



4 Principles – 38 Success Criteria (SC)

NOTE: SCs are the basis for determining conformance

- **P**erceivable (Can it be found?) – 14 SC
- **O**perable (Can the user interact with it?) – 12 SCs
- **U**nderstandable (Does user get everything they need to succeed?) – 10 SCs
- **R**obust (Is it compatible with AT?) – 2 SCs

[Guidelines](#)

WCAG 2.0 Techniques



- Informative – other solutions are good!
- Specific details for development
- Includes HTML examples

[Techniques](#)



WCAG 2.0 Understanding



- The Success Criterion as it appears in WCAG 2.0
- Intent of the Success Criterion
- Benefits
- Examples
- Related Resources
- Techniques or combinations of techniques that are sufficient to meet the guidelines
- Common failures of this Success Criterion
- Additional advisory techniques that go beyond what is required
- Key terms for this Success Criterion (taken from the WCAG 2.0 Glossary)

[Understanding](#)

In order for a Web page to conform to WCAG 2.0, all of the following conformance requirements must be satisfied:

1. **Conformance Level:** One of the levels met in full (A, AA, AAA)
2. **Full Pages:** include alternatives, if included
3. **Complete Process:** sequence of steps to complete a task
4. **Only Accessibility-Supported** Ways of Using Technologies
OR an accessible alternative is provided.
5. **Non-Interference:** Non-accessibility-supported content does not interfere with the users ability to reach the rest of the page

[WCAG 2.0 Conformance Requirements](#)

Perspective Videos: W3C-WAI

Perspectives Videos



[Keyboard Compatibility](#)



[Clear Layout and Design](#)



[Large Links, Buttons, and Controls](#)



[Customizable Text](#)



[Understandable Content](#)



[Colors with Good Contrast](#)



[Text to Speech](#)



[Video Captions](#)



[Voice Recognition](#)



[Notifications and Feedback](#)



Recent Settlement Requirements

Settlements



Recent DOJ Settlements



- **H&R Block (March, 2014)**
- **Peabody Groceries (Nov., 2014)**
- **Harvard and MIT (Feb, 2015)**
- **edX (April, 2015)**
- **Carnival's Cruise Ships (July, 2015)**
- **Winn-Dixie Stores Inc. (June, 2017)**

Winn-Dixie Case Sets Landmark Precedent



For the first time ever, a court has ruled that failure to make a website accessible violated Title III of the Americans with Disabilities Act



Winn-Dixie Case Precedent Setting



Title III prohibits discrimination on the basis of disability in the activities of places of public accommodations (businesses that are generally open to the public and that fall into one of 12 categories listed in the ADA, such as restaurants, movie theaters, schools, day care facilities, recreation facilities, and doctors' offices) and requires newly constructed or altered places of public accommodation—as well as commercial facilities (privately owned, nonresidential facilities such as factories, warehouses, or office buildings)—to comply with the ADA Standards.



Overview of DOJ Settlements

High Profile Settlements

Requirements

- **WCAG 2.0 (Level AA) Applied**
- **Web Accessibility, which includes captioning**
- **Mobile Accessibility**
- **Appoint Web Accessibility Coordinator**
- **Adopt Web Accessibility Policy**





Strategies to Reduce Risk

Accessibility at the Top



- Accessibility Policy
- Person with authority, responsibility and expertise (CAO – IBM, Microsoft, Apple, AT&T, Google, Facebook, CU Boulder,)



Be Proactive



Conduct an internal accessibility review

Develop Plans

- Remediation plan
- Acquisition/Procurement accessibility requirements and process
- Reporting process for User encountered issues and feedback
- Equally Effective Alternate Access Plan (EEAAP)
- Accessibility Integration plan – for all phases of development/maintenance

Training

- OnBoarding
- Continuing Ed – certifications

Education – teach EIT Accessibility in the classroom





**Questions? Comments?
Suggestions?**