Web Accessibility and Distance Learning for People with Disabilities
This presentation provides general information and does not represent a complete recitation of the applicable law and OCR policy in this area. It does not address specific issues of compliance because determinations of compliance depend on specific facts on a case-by-case basis. The language used in these slides is approved for the purposes of this presentation only and should not be used for other purposes.
Basic Legal Framework

People with disabilities must be provided an equal access to programs, activities, and services, unless doing so is a: 

- Fundamental alteration, or 
- Undue burden
What Are “Programs, Services, and Activities?”

• Almost everything a covered entity does is a “program, service, or activity” under Title II of the ADA or Section 504. It’s a very broad phrase.

• Ex: Class reunion photo pages

• Ex: Course registration

• Ex: Physics lectures
What Is “Equal Access?”

Possible considerations include...

- Ease of use
- Completeness - access to:
  - Every function
  - All information
- Timeliness
- Full participation / interactivity
Consider...

“An agency with an inaccessible website may also meet its legal obligations by providing an alternative accessible way for citizens to use the programs or services, such as a staffed telephone information line. These alternatives, however, are unlikely to provide an equal degree of access in terms of hours of operation and the range of options and programs available. For example, job announcements and application forms, if posted on an accessible website, would be available to people with disabilities 24 hours a day, 7 days a week.” U.S. Department of Justice’s “Accessibility of State and Local Government Websites to People with Disabilities.” (Available at www.ada.gov).
Regulations


Section 504 of the Rehabilitation Act of 1973

Title II of the Americans with Disabilities Act of 1990
Regulations, cont’d

Under Section 504 and Title II, recipients and public entities must ensure that qualified persons with disabilities have an equal opportunity to participate in the entities’ programs, services, and activities.
How Do People with Disabilities Use Computers?
Assistive Technology

Disability-specific devices that allow people to use computers

• Alternatives for people who cannot use a computer mouse
• Screen readers for people who are blind
• Captioning for people who are deaf
• Etc.
“Built-In” Accessibility Features on Web Pages

Graphics should have meaningful labels

– Ex: “Photo of Secretary of Education Margaret Spellings reading to children at Central Elementary School.”

– Not: “Photo”

The labels can be visible to everyone, or they can be hidden in the programming of the web page. Designer’s choice!
Meaningful information should be conveyed through more than just color.

- Ex., “stop” and “go” functions should not just be signified solely through the use of green and red buttons. Instead, red buttons should be labeled “stop” and green buttons should be labeled “go.”

Users should be able to “tab” through the page and get to all information and functions; pages should not require users to manipulate a mouse for navigation.
Useful Guidelines

• Section 508 of the Rehabilitation Act of 1973, as amended in 1998

• Web Content Accessibility Guidelines from the World Wide Web Consortium (W3C)
Section 508 *Only* Applies Directly to the Federal Government

- Federal agencies *must* comply with the Section 508 Standards

- Others *may* use the Section 508 standards as *guidance*, but are not subject to Section 508 itself (except under some state laws)

- Important: Section 508 does NOT “follow the money” like Section 504.
Section 508 Resources

- www.section508.gov
- www.access-board.gov
More Guidelines...

  - Public/private consortium, world-wide, of academics, governments, technology industry, and user groups

- Web Content Accessibility Guidelines
  - Optional for all web developers, including governmental entities

- www.w3.org/wai
  - Especially: “Evaluating Accessibility”
Accessible Technology Benefits Everyone

• Accessible web pages are far more likely to be usable on a PDA, using an older computer, or with a dial-up modem than inaccessible pages.

• Much of the technology designed for people with disabilities benefits all of us.
  – Ex: voice recognition programs as an alternative to sitting using a keyboard and mouse
  – Ex: audible driving directions as an alternative to having to read text
Do Educators Have to Provide Separate or Different Websites for People with Disabilities?

• No!

• An accessible website is like an accessible building -- it’s usable by everyone.

• Accessibility features are usually hidden; non-disabled users usually won’t even notice them.
Do Educators Have to Provide Assistive Technology So Disabled Students Can Use Their Websites or Distance Learning Activities?

Generally, no. Think of most specialized computer equipment - “assistive technology” - as being like mobility equipment (wheelchairs, etc.). They are generally the responsibility of the individual with a disability.

However...
• However...

• Educators may have to provide assistive technology to students with disabilities if they provide personal computer equipment to other students.

• Ex: if they provide laptops to all incoming freshmen, they should provide accessible laptops equipped with assistive technology for incoming students with disabilities.
More…

• They may have to make available assistive technology to people with disabilities if they make available standard computer equipment to non-disabled people.

• Ex: If they provide computers in the library for internet surfing, they should equip one of their computers with assistive technology for a blind student upon request.
“Fundamental Alteration” Defense

• Covered entities do not have to do anything that would fundamentally alter the nature of the program or service they are providing.

• Ex: US Geological Survey’s topographic maps cannot be reduced to words to make them accessible to people who use screen readers. The very essence of their “mapness” would be destroyed in the process.
“Undue Burden” Defense

• Covered entities do not have to do anything that would impose an undue administrative or financial burden.

• Ex: It might be an undue burden for a small college to try to meet a blind student’s last-minute request to provide audio-description for an online student film festival.

• Note: The same administrative requirements apply to “undue burden” and “fundamental alteration” here as throughout Section 504 and Title II.
Methods of Compliance

• Make the web pages accessible

• Ensure distance learning opportunities are accessible

• Or... ensure another equally effective method of providing information and opportunities for interaction.
Demographics’ Impact: Websites v. Distance Learning

Distance learning - the technology supporting “live” courses should be designed to be adaptable (no need to actually provide real-time captioning, if there’s no deaf student currently enrolled, but educators should be ready to do so if a deaf student joins the class).

Websites should generally be designed to be accessible — especially public sites.

If an archived course is available online upon demand, then it should be captioned before posting – or the educator should be ready to provide another means of effective communication.
Steps for Making Websites Accessible

Promising practices:

- Build new websites and pages to be accessible from the beginning
- Ensure new content is accessible
- Identify existing barriers and remove them over time, as websites and pages are updated
- Provide an easy way for people with disabilities to request alternatives
What Could a Covered Entity Ask Itself?

Q: Do we have a way for people with disabilities to report features or content that are inaccessible? Is there a system for following up on such reports?

Q: Which programs and services are provided online and through distance learning, including those provided through third-party vendors?

Q: Of those, which are offered exclusively online and which are duplicated through other methods?

Q: Do alternate methods of access offer the same degree of timeliness, thoroughness etc.?

Q: What computer support is provided to students, faculty, and members of the public, generally?
Other Possible Questions

Q: Who has responsibility for adding content to the website?

Q: Has everyone who has responsibility for adding content to the website been trained on website accessibility?

Q: Are there policies in place regarding what can be added to a website?

Q: Do any of these policies or guidelines address accessibility for people with disabilities?
Resources for Evaluating Accessibility

Free training and other resources are available at www.section508.gov

“Evaluating Accessibility” resources at www.w3.org/wai

Use free online accessibility utilities to check websites for accessibility
More Suggestions…

Run websites through some accessibility checkers; if you see lots of areas of concern, work through these areas with the webmaster.

Check several “layers” deep; don’t just look at the home page.

Try different functions (e.g., course registration) and departments (e.g., alumni home page, prospective students, etc.)
Office for Civil Rights