

Clearinghouse on Disability Information
Any questions? Call 1-877-232-4968



The Tail is Wagging the Dog: Electronic Accessibility for People with Disabilities

Julie M. Shaw, Executive ADA Administrator

The Governor's Working Group on the Americans with Disabilities Act

TTY/Toll Free: 877-232-4968

Voice: 850-487-3423

Fax: 850-414-8908

julie.shaw@myflorida.com

implementing fully accessible IT services

The problem!



- Many IT systems and services are not accessible for marginalized populations such as persons with disabilities. These persons become locked out.
- New and emerging technologies have erected new barriers to accessibility
- Civil rights requirements for access, fairness & "effective communication" can be ignored leaving these persons not served
- Remember - IT changes; civil rights do not!

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what are your tools?

○ The Law ---

- The Americans with Disabilities Act - 1990

- see 28 C.F.R. Part 35

- Dept of Justice ruling (9/9/96): ADA accessibility requirements apply to Internet web pages (10 NDLR 240)

- Central issues focus on
Effective Communication and
Public Accommodation.

"Covered entities under the ADA are required to provide effective communication, regardless of whether they generally communicate through telecommunication devices, print media, audio media, or computerized media such as the Internet. Covered entities that use the Internet for communications regarding their programs, goods, or services must be prepared to offer those communications through accessible means as well."

- **Department of Justice**



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what are your tools?

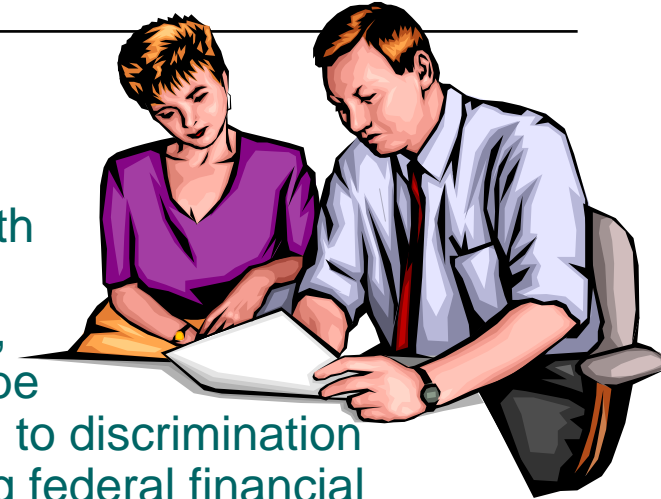
- Rehabilitation Act - Sec. 504 & 508

- Section 504

- “...no otherwise qualified individual with a disability in the United States . . . Shall, solely by reason of his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. . .”

(29 U.S.C. Section 794)

- *Be cautious of post-hoc accommodation.* The courts have ruled against this practice. What does this mean for a 211 system that incorporates *electronic and information technology*? You **CANNOT** develop an alternate version whose specific functionality has been designed to accommodate persons with disabilities. Ex: A text only version of a Web site just for persons with disabilities.



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what are your tools?

- Rehabilitation Act - Sec. 504 & 508
 - Section 508
 - provides the legislative language and standards for design for accessible electronic information technology, including the Internet. Went into effect on June 21, 2001.
 - Section 508 is important because:
 - Provides the first federal definition of “Internet accessibility”
 - Provides compliance language that can be automated and monitored at a distance
 - State government can be held accountable under the Assistive Technology Act of 1998
 - Governor Bush has designated that all state information technology must comply with Section 508.



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what are your tools?

- Rehabilitation Act - Sec. 504 & 508
 - Section 508, Subpart B - Technical Standards Covers:
 - § 1194.21 Software applications and operating systems
 - § 1194.22 Web-based intranet and internet information and applications
 - § 1194.23 Telecommunications products
 - § 1194.24 Video and multimedia products
 - § 1194.25 Self contained, closed products
 - § 1194.26 Desktop and portable computers



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what are your tools?

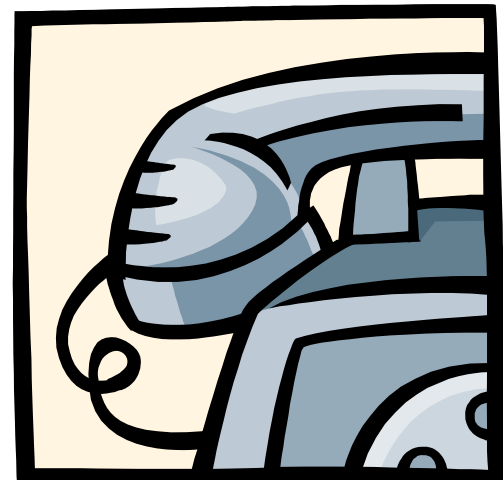
- Telecommunications Act of 1996
 - Section 255 (amended 2001)
 - 36 CFR 1193.37 "Information Pass-Through" requires telecommunications equipment and customer premises equipment to pass through codes, translation protocols, formats or other information necessary to provide telecommunications in an accessible format.
 - 36 CFR 1193.39 "Prohibited Reduction of Accessibility, Usability and Compatibility" provides that no change shall be undertaken which decreases or has the effect of decreasing the net accessibility, usability, and compatibility of telecommunications equipment or customer premises equipment.



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what are your tools?

- Telecommunications Act of 1996
 - Section 251 (amended 2000)
 - 47 CFR 6.1 – 6.23, & 47 CFR 7.1 – 7.23
Manufacturers and providers of voicemail and interactive menu services and products are reminded of their obligations to take the appropriate measures to ensure that their products and services are accessible to and usable by persons with disabilities.



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what are your tools?

- Assistive Technology Act of 1998
 - places the responsibility of “assuring” 508 compliance with any state that accepts federal monies.
 - These monies are allocated to the Florida Alliance for Assistive Services and Technology via Vocational Rehabilitation and the Department of Education.
 - It should be noted that any outsourced information technology project must incorporate Section 508 standards built into its requirements.

