



# Accessibility for Digital Learners K-20

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## State and Federal Requirements ADA and Section 504

- All public schools(K-20) are subject to Sections 504 and 508 of the Rehabilitation Act and the Americans with Disabilities Act.
  - There have been no revisions of the 508 standards or official ADA accessible technology guidelines.
  - However, it has been made official by the United States Department of Justice that they will adopt the Web Content Accessibility Guidelines (WCAG).
  - Currently K-12 schools in Arizona, North Carolina, Texas, Virginia and Washington State are in litigation over the accessibility of their websites.
  - There also have been a significant number of settlement agreements across the country with both public and private colleges and universities (ex., Montana, Penn State, Miami University, Ohio State, University of Cincinnati).
- Private schools are covered under Title III of the Americans with Disabilities Act which is also under the jurisdiction of the Department of Justice.

# The Rehabilitation Act

- Section 504

Is an anti-discrimination measure comparable to The Americans with Disabilities Act that addresses an individual student's needs. It requires that an individual with a disability must have equal access to all programs, services, and activities in all institutions receiving federal subsidy. Web-based communications for public educational institutions are covered by 504 as are the provision of accessible materials such as electronic text, braille, captioned video and other classroom materials.

- Section 508

Mandates that federal agencies make electronic information accessible to members of the public and employees with disabilities. Section 508 applies to public schools at all levels receiving federal funding.

# Americans with Disabilities Act

## Title II

Prohibits disability discrimination for all public entities at the local and state level. School, courts, police departments, and any government entity must comply regardless of whether they receive federal funds. Both Section 504 and Title II are enforced by the U.S. Department of Education, Office of Civil Rights(OCR).

## Title III

Applies to commercial entities and “public accommodations,” which includes private educational institutions. As under Title II, no individual with a disability may be discriminated against with regard to full and equal enjoyment of the goods, services, facilities, or accommodations of any place of public accommodation. This includes websites and accessible educational materials.

## Who do we need to accommodate?

- Cognitive or learning disabilities
  - Examples: traumatic brain injury, autism, processing disorders, epilepsy
  - Access barriers: small print, timed responses, sensitivity to flashing or other screen animations
- Auditory disabilities
  - Examples: deafness, tinnitus, difficulty with auditory processing
  - Access barriers: lack of captioning, software dependent on sound, and sound overload.
- Visual disabilities
  - Examples: blindness, uncorrectable vision such as tunnel vision, and color blindness
  - Access barriers: requires mouse navigation, small print, low contrast, no screen reader access, color used as an identifier, no audio descriptions for video
- Motor disabilities
  - Examples: arthritis, spinal cord injury, muscular dystrophy, amputation
  - Access barriers: software products that require navigation by mouse or quick response on the keyboard

## What is most likely to be out of compliance?

- Page titles
- Images
- Headings
- Menus
- Contrast ratio
- Text re-sizing flexibility
- Keyboard access and visual focus
- Forms, labels, and error interaction
- Multimedia
- Basic navigational structure

## Practical Advice: Lessons Learned from Lawsuits, Resolution Agreements and Settlements

- There is protection in creating Educational Information Technology (EIT) accessibility policies and accompanying procedures.
- Policies (or work plans) that specifically reference timelines for achieving accessibility are valuable.
- Critical EIT for students
  - Learning management systems (LMS)
  - Class assignments and course materials within the LMS
  - Instructional materials such as textbooks, handouts, and anything that is delivered in an electronic manner
  - Live chat functions in key applications
  - EIT in the classroom such as clickers, emails, blogs, web conferencing, etc.
  - Accessible video including captioning and visual description

## Practical Advice: Lessons Learned from Lawsuits, Resolution Agreements and Settlements

- Website
  - All images should have useful alternative text
  - Documents, such as PDFs or other image-based documents must be accessible
  - All video must be captioned or transcribed (transcriptions are only acceptable if the video only includes a speech or lecture).
  - Tables must be properly structured
  - Frames must be titled to support navigation and identification
  - Properly labeled and formatted form fields
  - Proper contrast between background or foreground colors
  - All aspects must be usable by a keyboard only use



# How to make your website compliant

Contrast and colors <http://webaim.org/resources/contrastchecker>

Semantics for formatting HTML <http://webaim.org/techniques/semanticstructure>

Text alternatives- <http://webaim.org/techniques.alttext>

Ability to navigate with the keyboard

[www.nngroup.com/articles/keyboardaccessibility](http://www.nngroup.com/articles/keyboardaccessibility)

<http://webaim.org/techniques/skipnav>

Easy to navigate and find information – <http://webaim.org/techniques/sitertools/>

Properly formatting tables- <http://webaim.org/techniques/tables/data>

Making PDFs accessible- <http://webaim.org/techniques/acrobat/acrobat>

# How to make your Website compliant

- Accessible videos-- <http://webaim.org/techniques/captions>
- Making forms accessible-- <http://webaim.org/techniques/forms>
- Alternate versions of key pages– only when there is no way (legally, technically) to create accessibility. Not an option for new content.
- Feedback for users– The website must provide an easy way for users to let you know that there are problems with your website and someone must be the designated expert.
- Other related issues
  - No flashing
  - Timed connections can create barriers
  - Fly-out menus are often not navigable on the keyboard
  - Pop-up windows create a range of obstacles

## Misconceptions

- We can wait until the accommodation is requested to make our websites or materials online accessible.
- YouTube or Vimeo automatic captioning third party hosting services are viable solutions. If used, the faculty or designers must edit them to comply with the standards.
- The only way to comply is to create text-only websites.
- The federal government won't come after us. We can claim lack of resources or funding.
- Designing curriculum according to Universal Design standards will insure accessibility.

## Legal implications for failing to accommodate

- Settlements with strict timelines for compliance
- If the DOJ files against you, it can cost substantial legal fees and there can be judgments that include fines and money to the complainants.
- Ultimately, federal funding can be withheld if an institution doesn't comply.

# Seven Universal Design Principles

- Equitable use: design provides the same means of use for everyone
- Flexibility in use: design accommodates a wide range of individual preferences
- Simple and intuitive use: design is easy to understand and navigate regardless of the user's experience, knowledge, language skills or ability to concentrate
- Perceptible information: design communicates necessary information effectively regardless of the user's sensory abilities
- Tolerance for error: design minimizes hazards and the adverse consequences of accidental or unintended actions
- Low physical effort: reduce eye strain and restrict large amounts of online reading
- Size and space for approach and use: design takes into account physical limitations, need to use assistive technologies such as screen readers or alternative access devices

A decorative border surrounds the central text. It consists of several rectangular blocks: a purple block at the top left, a grey grid block below it, a purple block at the top right, a vertical purple gradient bar on the right side, a purple block at the bottom left, and a blue block at the bottom right. A thin grey line also runs horizontally across the top and bottom of the central area.

Questions?