Section 508 and ADA Compliance

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Concerns about Technology

☐ Office for Civil Rights…
  ● DCL June 29, 2010

☐ "It is unacceptable for universities to use emerging technology without insisting that this technology be accessible to all students."

The “Kindle Letter”

☐ June 29, 2010 Dear Colleague Letter (DCL)
☐ Issued by the Office for Civil Rights (OCR)
  ● Cosponsored by DOJ and Dept of Ed
☐ Expresses concern over campuses adopting inaccessible technology

Not Equal

☐ Digital does not mean accessible!

☐ Just because something is digital does not mean that it is accessible to all!
Tech Complaints since the DCL…

- SC State Technical College
  - OCR complaint over inaccessible Web site
- Louisiana Tech University
  - OCR complaint over MyOMLab
- UM Missoula
  - OCR complaint over inaccessible LMS and course materials

SC Technical College System

- …ensure that all content on the SBTCE web-site and the content of the web-sites of all the member colleges are accessible to students with visual and other print-related disabilities, particularly those students requiring the use of assistive technology

Louisiana Tech University

- Must deploy accessible technology and course content in the University setting
- The University shall provide ADA Training to instructors and administrators
- “The University will only purchase, develop or use technology and instructional materials that do not exclude persons who are blind or who have other vision disabilities”

UM Missoula

- Develop E&IT purchasing policy and procedures; train staff and faculty
- Find an E&IT Coordinator
- Make Web sites accessible (WCAG 2.0, level AA)
- Ensure accessibility of LMS
- Ensure accessible classroom E&IT (clickers, podiums, blogs, software, etc.)
Potential Areas of Inequality
- Learning management systems
- Distance ed courses
- Software in campus labs
- Online books
- Online documents
- OER materials

Section 504 vs. Section 508
- Section 504 addresses individuals’ needs for auxiliary aids and services (accommodations).
- Section 508 addresses the infrastructure that allows access.

Rehabilitation Act of 1973
- Section 504 is about accommodation.
  - Making it work for individuals
  - Disability service offices created to serve students’ needs.
- Section 508 is about access.
  - Create accessible software, Web sites, videos, and documents.
  - Purchase accessible products.
  - Campuswide responsibility
A Campus Analogy

- **Section 504**
  - Deaf student requests that videos for her class be captioned

- **Section 508**
  - New videos must be captioned before being shown in the classroom for the first time

Campus Comparison

- **Section 504**
  - Accommodation
  - Based on person's request and preference
  - Campus disability office handles student requests / HR handles employee requests
  - Begins where 508 ends

- **Section 508**
  - Access
  - No prior request needed—"open door"
  - All E&IT purchases are affected for entire organization—students, staff, and faculty
  - Ends where 504 begins

United We Stand

- Access and accommodation work together
  - It's a continuum

- Not fully accessible? Accommodate.

- But beware…
  - Some technology cannot be accommodated!

Access vs. Accommodation

- Access
- Accommodation
Working Together

- The campus buys accessible products/creates accessible media
- Individual accommodations may still be required
- However, an accessible infrastructure will make providing accommodations far less difficult and expensive!

One Example

- Provide free AT in all campus labs
  - Balabolka (document access, TTS)
  - NVDA (free screen reader)
- Provide more sophisticated solutions upon request
  - Install JAWS as needed/when requested

Risk Management

- The more long-lasting and broadly available, the more things need to be accessible
- One-use materials or very limited availability, the more can rely on accommodation

We’ve Got Your Back!

- Accommodation is always the back-up plan for access!
- Create and buy E&IT that is as accessible as possible
- When access falls short…accommodate!
- But remember: Accommodation is almost always more expensive and time consuming!
How will you accommodate?

- Can still use materials that are not fully accessible, as long as you can accommodate individual needs in an **equally effective** manner.

- Make accommodation planning part of the design strategy and buying decisions!

Example

- PDFs for a DE class with access limited to class participants
  - Text-based
  - Recommend including alt text
  - Add tags and reading order upon request

- PDFs available to the general public
  - Greater level of access

And Remember

- Do not **require** technology (software or hardware) that cannot be accommodated!

- In other words, if it is impossible to make the technology equally as effective for **all** users, do not **require** it of all users.

Section 508 in Action

- Make Web sites accessible
  - Follow the 508 or WCAG Standards

- Make software created by institution accessible

- Make videos accessible

- Purchase accessible Electronic & Information Technology (E&IT)
  - ICT: Information & Communication Tech
Section 508 Refresh

- Refresh not yet adopted
- Revises Web standards to conform with WCAG (international Web standards)
- Changes standards somewhat to keep pace with technology
- Adds document standards
- Buying standards not affected

Content vs. Container

- Academic freedom is about the content.
- Section 508 is about the container.
- Conforming to Section 508 simply allows equal access to the content.

Web Design

- The Web standards are prescriptive
- Follow all the standards

- Nice checklist
  - www.webaim.org/standards/508/checklist
- Great resources
  - www.washington.edu/doit/Resources/web-design.html
Creating Accessible Web Pages

- Not difficult or even time-consuming
  - BUT accessibility does need to be included at the design phase!
- Follow the standards
- Design access in
  - Think accessible first!
- Use Web accessibility checkers

Distance Education & LMS Platforms

- Learning Management Systems (LMS) provide a framework to post Web-based materials, media content, lecture notes, etc.
  - Systems vary in their level of accessibility
- Access has two parts
  - Is the platform accessible?
  - Is the material loaded into the platform accessible?

Instructional Materials Online

- All online instructional materials need to be accessible
  - PDFs
  - PowerPoint presentations
  - Podcasts
  - Videos
- Build accessibility before putting the material online!

Instructional Materials
Searchable PDFs

- Searchable PDFs are text-based
  - Not scans or "pictures" of text
- A PDF based on a well-crafted Word document where styles are used probably does not need to be tagged
- Include verbiage on campus sites that directs anyone who needs greater accommodation to see your alternate media specialist

Three Simple Steps in Word

- Use templates and styles
  - Add alt text
    - Picture descriptions
  - Mark the header row in tables
- THEN make it into a PDF

Right-click on Picture

- Choose Format Picture

Alt Text

- Keep the description SHORT
Tables

☐ By setting the header row in a table, screen reader users will be able to hear the header text repeated as needed.

☐ Note: If you have column headers (i.e., header in first column), that will need to be marked in Adobe Acrobat.

Select Header Row

☐ Right click on header (top) row and select Table Properties.

Marking the Header

☐ Choose Row Tab
☐ Under Options click Repeat as header row…

Create PDF and Run Action

☐ Install Adobe Acrobat Pro XI
☐ From the Word ribbon choose Create PDF and Run Action.
Create Accessible PDF

- Make Accessible
- Archive Documents
- Include Tactile Information
- Optimize for Web and Mobile
- Optimize Scanned Documents
- Prepare for Distribution

Accessible Documents

- For maximum accessibility include both the PDF and the Word document online
- If concerned about security with Word, can apply permissions

Permissions in Word

- File > Info

Restrict Access as Needed
Section 504 & Section 508

Videos

Section 508 on Videos

- (c) All training and informational video and multimedia productions which support the agency's mission, regardless of format, that contain speech or other audio information necessary for the comprehension of the content, shall be open or closed captioned.

Interpretation

- Videos must be captioned before they are shown in the classroom for the first time.
- Uncaptioned videos may be purchased and someone (ordering department?) pays to have them captioned.
- Under 508, captioning required whether or not deaf students will be in the class.

How do we do this?

- Purchase captioned videos when possible.
- Include cost of captioning in budget when purchasing uncaptioned videos:
  - Purchasing department usually pays
  - Check with DSPS for vendors.
A Word about Captions

- Always done in the language spoken in the video
  - Spanish language videos would be captioned in Spanish, not English
  - Subtitles not the same, but often will do
- Include all auditory content, not just speech
  - Slamming doors, barking dogs, laughter, etc. are all included in text descriptions

Be Aware

- Closed captions are turned on and off with a “decoder”
- Televisions (since the ‘80s) have decoders built in; not all overhead projectors do
  - Epson, Panasonic, Smart make projectors with decoders
- External decoders can be purchased

Captioning In-depth

- “Raw footage” exempt
  - Single use, restricted use, not archived
- Restricted access materials
  - If no users require captions, do not need
- Transcripts
  - Not sufficient for video (must have synchronized text and video)
  - Fine for audio-only podcasts

You Tube

- Yes, can be captioned
- May not need permission if you simply stream words at the same time as the video
  - Uncertain at this time
- If it is a single-use, accommodate as necessary, rather than providing access
DECT Grant

- [ ] http://www.canyons.edu/Offices/DistanceLearning/Captioning/Pages/default.aspx
- [ ] Live and asynchronous captioning and transcription
- [ ] Captioning is FREE
- [ ] Get preapproval for number of minutes

Eligible Materials

- [ ] Hybrid classes
- [ ] On-campus classes utilizing distance methods of content delivery (e.g., class capture, web conferencing, vodcasting, podcasting, content posted within a Learning Management System)
- [ ] Digital learning object repositories used to collect and make available digitized content
- [ ] DVDs and VHS tapes if that content is used in one of the delivery formats described above

Other Options

- [ ] You Tube Captioning
  - [ ] Info and videos on the Web site
- [ ] Amara
  - [ ] http://amara.org/en/
- [ ] Subtitle Horse
  - [ ] http://subtitle-horse.com/

Podcasts

- [ ] Audio only
  - [ ] A transcript is all that is needed
- [ ] Audio and video
  - [ ] Synchronized captions required if it is public access
  - [ ] Accommodation can be provided on request if it is a restricted audience (i.e., locked inside LMS)
Audio Description

☐ 508 does require it
  ■ Can be technically very challenging

☐ However, only needed in order to make content clear
  ■ Can potentially be handled by other means

Real World Meets Virtual World: Section 508

What is Section 508?

☐ Federal law
☐ Part of Rehabilitation Act of 1973, as amended in 1998
☐ Section 508 standards added in 2001
  ■ Previously was a guideline; standards carry the weight of law.
☐ Applies to federal government
The 508 Philosophy

- Section 508 is about creating an open door
- Section 508 uses the purchasing power of the government to induce vendors to create accessible products
- The overall goal of Section 508 is a more accessible society

California State Law

- SB 105
  - Applied standards of Section 508 to California
  - Passed September 29, 2002
  - Effective January 1, 2003
  - Became part of Govt. Code 11135
  - CCCs accepted this as applying to them

Cal. Gov. Code §11135(d)(2)

- "In order to improve accessibility of existing technology, and therefore increase the successful employment of individuals with disabilities, particularly blind and visually impaired and deaf and hard-of-hearing persons, state governmental entities, in developing, procuring, maintaining, or using electronic or information technology, either indirectly or through the use of state funds by other entities, shall comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Sec. 794d), and regulations implementing that act as set forth in Part 1194 of Title 36 of the Federal Code of Regulations."

More CA State Law

- SB 302
  - For the CSUs
    - "Yes, we meant you, too."
  - Passed September 2, 2003
  - Effective January 1, 2004
  - Became part of Govt. Code 11135

- Does not apply to UCs.
  - Many conforming voluntarily
The California State University shall, however, in determining the cost of developing or procuring electronic or information technology, consider whether technology that meets the standards applicable pursuant to paragraph (2) of subdivision (d) will reduce the long-term cost incurred by the California State University in providing access or accommodations to future users of this technology who are persons with disabilities, as required by existing law, including this section, Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 and following), and Section 504 of the Rehabilitation Act of 1973 (29U.S.C. Sec. 794).

**Special Exemption for CSUs**

- **Gov Code 11135 “Long Term Cost”**
  - It allows the CSU to take into account the increase cost of an accessible product, compared to others, but only after also taking into account the long term cost of accommodating anticipated users with disabilities through other means.

**State vs. Federal Law**

- California state law actually puts some responsibility for conforming to the standards on the vendor.

**§11135(d)(3) states:**

- "Any entity that contracts with a state or local entity subject to this section for the provision of electronic or information technology or for the provision of related services shall agree to respond to, and resolve any complaint regarding accessibility of its products or services that is brought to the attention of the entity."
Just to be clear…

- Section 508 standards apply because of California state law
- Section 504 applies when colleges accept federal funding
- Section 504 follows the money; Section 508 does not

Section 508 As Applied

- Make Web sites accessible
  - Follow the 508 Standards
- Make software created by institution accessible
- Make videos accessible
- Purchase accessible Electronic & Information Technology (E&IT)

Purchasing Electronic and Information Technology

E&IT
Complying with Section 508

- Applies ONLY to electronic and information technology (E&IT)
- Two types of E&IT standards
  - Standards for creating
    - Web pages
    - Web applications
    - Software
  - Standards for purchasing

Subpart C

- Standards are based on testing
- At least one mode of operation and information retrieval that does not require _____ shall be provided, or support for assistive technology used by people who are _____ shall be provided.

Subpart B

- Standards are concrete and measurable
- Basic checklists for compliance
- Compare products against the checklist

Where Do We Begin

- Only electronic and information technology (E&IT) is covered by Section 508.
- First determine if the proposed purchase is E&IT.
Rule of Thumb

- Is it electronic?
- Does it have a display and/or keypad that humans interact with?
- Does that display transfer data or information?
- If you answer yes to all of these, you are probably dealing with E&IT.

Categories of E&IT

- Software applications and operating systems
- Web-based information and applications
- Telecommunications products
- Video and multimedia products
- Self-contained, closed products (e.g., many office products, kiosks)
- Desktop and portable computers

Examples of E&IT under 508

- Fax Machines
- Scanners
- Printers
- Copiers
- PDAs
- Computers
- Computer software
- Computer operating systems
- Phones
- Information kiosks
- ATMs
- Multimedia
- Videos
- World Wide Web

Not E&IT under 508

- Microwaves (unless it sends faxes, too)
- Coffee makers
- Heating and ventilation systems
- Thermostats
- Tables, desks, and chairs
The Gray Area

- “Back office” E&IT is exempted
  - Must literally be somewhere that people do not go all the time
  - Applies to equipment that only technicians interact with

Reminder

- Section 508 does not just apply to students
  - Applies to “all” E&IT purchases
- The campus is also required to ensure access for employees

Buying Accessible

- Section 508 purchasing
  - Buy the most accessible product that you can that meets your business and academic needs
  - Compare and contrast models/software etc. and purchase the most accessible one
- When it’s not accessible, plan for accommodation

Getting Real

- Risk management and common sense
  - Create a culture of access
  - The greater the usage—the more need for access
  - The more restricted the access—the more reliance on accommodation
- Make accommodation part of the access plan!
So Whose Job Is Section 508 Compliance?

Who Complies?
- Campus responsibility
  - Web pages
  - Distance Ed
  - Online materials
  - Campus-produced software
  - E&IT purchases

Please Note
- Vendors do not have a legal obligation to conform to Section 508
  - Unless you have contracted for accessibility
- Our job is to choose the most accessible product that meets our needs
Ideal World

☐ Accessibility needs to be considered right from the beginning
☐ Ask at the start, Is the purchase E&IT?
☐ If it is, then use the procurement process for buying accessible under Section 508.

Working to Support Purchasing

☐ DSPS and IT have supporting roles
☐ But 508 is at its heart procurement law
☐ Whoever signs off on buying decisions must buy accessible under 508.

What Does IT Do?

☐ Information Technology Services
  ■ Focuses on functional requirements
  ■ Provides information about IT needs
  ■ Considers interoperability and maintenance needs
  ■ Holds the system-level viewpoint for all E&IT purchases

What do DSPS (or DRC) Do?

☐ Disability services offices were created to provide accommodations to students
  ■ Provides information about assistive technology (AT)
  ■ Trains students on AT
  ■ Knows what assistive technology is on campus
  ■ Provides accommodations to students
  □ Under Section 504
Where Does the Buck Stop?

☐ Someone has to have sign-off power on each E&IT purchase
☐ Who will be responsible for complying with Section 508 on these purchases?

When Access Is Not Enough

☐ Buying accessible will reduce, not alleviate, the need for individual accommodation
☐ Remember Section 508 and Section 504 work together!

OCR + 508 + 504

☐ Want to buy it?
  ■ Make sure it’s accessible
☐ Not accessible?
  ■ Plan how to accommodate it
☐ Can’t accommodate it?
  ■ Don’t require it for student success!

Strategies for Working with Your Campus
Decide Where to Start

- Remember risk analysis
  - Start with areas of greatest exposure
- Look for low-hanging fruit
- The Web site is a great starting point!
  - It's constantly under revision anyway!

Find Places to Draw Lines

- Find areas to say “from now on...” and then rely on accommodation to fill in behind you
- With purchasing start over a certain amount
  - Contracts over $50,000

Drawing a Line with Videos

- Videos
  - At this date, all videos either purchased captioned or captioned before use
  - Caption legacy materials as an accommodation

Determine Timelines

- Having a plan with a schedule will go a long way to limiting liability
- And remember...you still have to accommodate!
Getting Buy-in

- Make sure that faculty understand that accessibility is not the enemy of academic freedom
- Encourage universal design
  - Connect designing for all with designing for all learners
  - http://www.cast.org/udl/

Show the Benefit

- Offer trainings on how to create accessible documents
- Offer trainings on how to create accessible media
- What benefit...??

Why Styles?

- Quick and easy formatting
- Very simple to change
- Using “Outline” feature allows for rapid editing and rewriting
- Oh…and BTW, it’s now accessible!

And Videos?

- Good pedagogy
  - Research shows that anyone learning new vocabulary or vocabulary in a new context is benefitted by seeing and hearing at the same time
- Searchable videos
- Creating them yourself?
  - Start with a script!
Learning from Others

- W3C Guidelines
  - WCAG (Web Content Accessibility Guidelines) 2.0
    - http://www.w3.org/TR/WCAG20/
  - DO-IT (University of Washington)
    - http://www.washington.edu/doit/
- WebAIM
  - http://webaim.org/

Digital Media

- DCMP Captioning Key
  - http://www.dcmp.org/captioningkey/
- NCAM – STEM
  - http://ncam.wgbh.org/experience_learn/educational_media/stemdx/guidelines
- WGBH – Web Media

What the CSUs Are Doing

- CSU Accessible Technology Initiative
  - www.calstate.edu/Accessibility/

Campus Questions

Enquiring Minds Want to Know
Question 1

☐ Some faculty mandate students must upload specific kinds of files -- including PowerPoint -- to the Web to share with each other. Do those files need to be compliant?

☐ Limited access? Not archived?
   ■ Then no
   ■ Provide accommodations as required

Question 2

☐ What about "one-time-use" multimedia files and captioning?

☐ No
   ■ Provide accommodations as needed

Question 3

☐ Any comments on our overall policies and procedures?

☐ Yes you need one…and make it workable
☐ Add buying for access to your normal workflow
☐ Remember to include planning for accommodation in the plan for access.

Question 4

☐ Any comments on third-party sites "required or realistically necessary," including publisher material?

☐ Is it required for class success? Then should be accessible.
☐ If supplementary, accommodate as necessary.
Question 5

☐ Any comments on six-year cycle of inspections and technology purchasing?

☐ If that is the standard cycle, it’s fine.
  - Accommodate legacy technology
  - Buy accessible the next time you buy

Question 6

☐ How to test Flash sites

☐ http://www.eclipse.org/actf/docs/users/aDesigner/docs/checkFlash.html

☐ Good information on checking for Flash accessibility

Question 7

☐ PDF Minimal Requirements

☐ Minimum = text based and alt tags
☐ Next level = add reading order

☐ Consider that the more broad the availability, the more access needed; limited access, can rely more on accommodation

Question 8

☐ Word Documents -- requirements to be considered accessible?

☐ Text based = access
☐ More than minimal access
  - Heading styles
  - Table header row marked
Question 9

- Instructor using PDFs that are forms requiring students to keep a handwritten log of activities -- cannot be done with sight impairments, but otherwise can take the class.

- PDF forms can be accessible and fillable

- If it is required, then students must be able to do it

Question 10

- Use of complicated chart-like images from the textbook that would be very difficult to create useful alternative text. Is it OK to give simple alternative text that reflects the title of the graphic and then give page number of book? Theoretically, the textbook has been made accessible to sight impaired.

- Tactile graphic may be required

Question 11

- An online instructor is using DVD or CD-ROM materials that came with the book as class materials on the Web. Is this considered online materials?

- Yes, and alternate media may be required. Most digital textbook material is not accessible!

Question 12

- Training

- Technical Web and PDF accessibility training.

- Word, alternate media, and Section 508 purchasing training.
To Learn More

We can help!

Trainings

- Web accessibility
- PDF accessibility
- PowerPoint accessibility
- Creating accessible forms
- Web captioning
- Small mobile devices
- Section 508 trainings
  - Any length and focus—an hour to a full day

Reference

- http://www.calstate.edu/Accessibility/web/accessibility/evaluation/index.shtml

Questions?

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  - E-mail is the best way to get me.
  - When really need me, e-mail and call! ;-)