Accessibility Laws, Regulations, and Guidelines in Online and Blended Learning

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Laws, Regs, and Guidelines

- Section 504 of the Rehabilitation Act of 1973
  - Section 508
- Titles II and III of the Americans with Disabilities Act of 1990 (ADA), as amended
- Web Content Accessibility Guidelines AA (WCAG 2.0 AA)
  - WCAG 2.1 by June 2018?
- Possible pending proposed rule for public accommodations websites

Context: Accommodation

We are familiar with "accommodations" as adaptations made for specific individuals when a product or service is not accessible, for example:

- captions on a video (when a specific student who is hearing impaired requests them)
- remediation of documents to make them accessible to students who are vision impaired and use screen readers (or who have dyslexia and other learning disabilities that make reading easier when they can see printed words and listen to them spoken at the same time)
- Problem: do many students **not** disclose their disability?
  - Apparently yes, up to 80% in some cases

Proactivity in development, use of accessible software, websites, videos, documents, and other IT reduces the need for accommodations and will be important moving forward.

Accommodation vs Inclusive environment

Higher-Ed Complaints and Lawsuits

Here is a handy litigation timeline from California State University San Marcos (CSUSM): https://www.csusm.edu/accessibility/ati/lawsuits/index.html

The University of Minnesota complied a list of higher-ed-related accessibility complaints and lawsuits: http://www.d.umn.edu/~lcarlson/atteam/reports/litigation/lawsuits.html

Most have resulted in settlements/consent agreements, and here is a list of agreements that reference **WCAG**: http://www.d.umn.edu/~lcarlson/wcagwg/settlements/

Here are common themes of these lawsuits:
- Failure to caption educational videos
- Use of inaccessible websites, apps, and LMS
- Use of technologies and materials that are not accessible to screen readers
- Use of inaccessible devices in the classroom such as clickers and electronic readers

Section 504

"No otherwise qualified individual with a disability in the United States […] shall, solely by reason of her or 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 or any program or activity conducted by any Executive agency or by the United States Postal Service."

This law applies to any federally funded program, or any entity, including organizations, and public or private universities, that receive federal funding.

Section 508

Section 508 requires electronic communications and information technologies, such as websites, email, or web documents, to be accessible

◦ For video content, closed captions are a specific requirement mentioned in Section 508

Recently, Section 508 went through a WCAG 2.0 Level A and Level AA refresh to update the law's language

◦ Section 508 now requires WCAG 2.0 Level A and Level AA conformance for websites associated with federal programs

◦ But many US States and organizations have laws (known as "mini" or "little" 508s) that reference section 508

  ◦ E.g., Alabama, Arizona, California, Connecticut, Illinois, Indiana, Kansas, Louisiana, Massachusetts, Minnesota, Missouri, New York, Oklahoma, Virginia

The ADA

Title II

Title II of the Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability in all services, programs, and activities provided to the public by State and local governments, except public transportation services. Title II extends the prohibition on discrimination established by section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, to all activities of state and local governments regardless of whether these entities receive Federal financial assistance.

Title III

Title III of ADA requires places of public accommodation (commercial entities) to be accessible. Under Title III, no individual may be discriminated against on the basis of disability with regards to the full and equal enjoyment of the goods, services, facilities, or accommodations of any "place of public accommodation" by any person who owns, leases (or leases to), or operates a place of public accommodation.

While the ADA does not specifically mention technical requirements for websites to be accessible, it does call for "auxiliary aids" in communication. Examples of auxiliary aids are closed captions (hearing impaired) and audio description (vision impaired) on videos. Several lawsuits brought against private companies for inaccessible websites, web services, or digital communications, has created a precedent that the ADA applies to the online activities, including education.

WCAG 2.0 AA

The World Wide Web Consortium (W3C) published the original set of Web Content Accessibility Guidelines (WCAG 1.0) in 1998. An updated version, WCAG 2.0, was published in 2008, and we are working with this version while they finalize WCAG 2.1.

◦ *The federal government adopted WCAG 2.0 AA* in 2017 for its agency websites, so this was seen as an indication that DOJ would move forward on its projection that a proposed rule for public accommodations websites would happen in 2018 (probably based on 2.0 AA) but this process was put on hold under the Trump Administration, leaving the regulatory environment for websites and online learning uncertain.*

12 Guidelines divided into four general principles:

▪ **Perceivable** – Information and user interface components must be presentable to users in ways users can perceive

▪ **Operable** – User interface components and navigation must be operable

▪ **Understandable** – Information and the operation of user interface must be understandable

▪ **Robust** – Content must be robust enough that it can be interpreted reliably by a wide variety of users/user agents, including assistive technologies

*The Guidelines go from A to AA to AAA, with a thorough checklist here:
https://www.wuhcag.com/wcag-checklist/

WCAG 2.1 – Coming Soon

WCAG 2.1 was published as a Candidate Recommendation on January 30, 2018.

- W3C Advisory Committee Members have been invited to send formal review comments to the W3C Team until May 22, 2018.
- Expect 17 new guidelines
  - Anticipate **June 2018** publication
- Here is a link to the working/editor's draft: https://w3c.github.io/wcag21/guidelines/ and the April 24 proposal: https://www.w3.org/TR/WCAG21/

"The primary focus for WCAG 2.1 is accessibility requirements for mobile accessibility, people with low vision, and people with cognitive and learning disabilities.

WCAG 2.1 is designed to be 'backwards compatible' so websites that conform to WCAG 2.1 will also conform to WCAG 2.0 — which means that a website that meets WCAG 2.1 will meet the requirements of policies that reference WCAG 2.0."

- WCAG 3.0: The Silver Task Force and the W3C Silver Community Group are performing the preliminary work for a successor to WCAG. (W3C says it is currently unclear if 2.2 is needed, will depend on progress of Accessibility Guidelines 3.0 and the outcome of WCAG 2.1)

- Updates: https://www.w3.org/community/silver/

0.5.1 New Features in WCAG 2.1

WCAG 2.1 extends WCAG 2.0 by adding new success criteria, definitions to support them, guidelines to organize the additions, and a couple additions to the conformance section. This additive approach helps to make it clear that sites which conform to WCAG 2.1 also conform to WCAG 2.0, thereby meeting conformance obligations that are specific to WCAG 2.0. The Accessibility Guidelines Working Group recommends that sites adopt WCAG 2.1 as their new conformance target, even if formal obligations mention WCAG 2.0, to provide improved accessibility and to anticipate future policy changes.

The following Success Criteria are new in WCAG 2.1:

- 1.3.4 Orientation (AA)
- 1.3.5 Identify Input Purpose (AA)
- 1.3.6 Identify Purpose (AAA)
- 1.4.10 Reflow (AA)
- 1.4.11 Non-Text Contrast (AA)
- 1.4.12 Text Spacing (AA)
- 1.4.13 Content on Hover or Focus (AA)
- 2.2.6 Timeouts (AAA)
- 2.3.3 Animation from Interactions (AAA)

- 2.5.1 Pointer Gestures (A)

- 2.5.2 Pointer Cancellation (A)

- 2.5.3 Character Key Shortcuts (A)

- 2.5.4 Label in Name (A)

- 2.5.5 Target Size (AAA)

- 2.5.6 Concurrent Input Mechanisms (AAA)

- 2.5.7 Motion Actuation (A)

- 4.1.3 Status Messages (AA)

Many of these success criteria reference new terms that have also been added to the glossary and form part of the normative requirements of the success criteria.

In the Conformance section, a third note about page variants has been added to Full Pages, and an option for machine-readable metadata added to Optional Components of a Conformance Claim.

0.5.2 Numbering in WCAG 2.1 §

In order to avoid confusion for implementers for whom backwards compatibility to WCAG 2.0 is important, new success criteria in WCAG 2.1 have been appended to the end of the set of success criteria within their

Accessibility and IT

The definition of "accessible" in IT used by the Office of Civil Rights and the U.S. Department of Education:

"Accessible" means a person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use. The person with a disability must be able to obtain the information as fully, equally, and independently as a person without a disability.

◦ See, OCR Compliance Review No. 11-11-6002 re South Carolina Technical College System available at https://www2.ed.gov/about/offices/list/ocr/docs/investigations/11116002-b.html

Big Picture Course Design Issues

- **Really consider inclusive, learner-centric environment**
  - accessibility as beyond reactive accommodation
- Design websites and LMS content to operate with the keyboard as opposed to mouse-only
- Make links descriptive
- Provide alternative text for all images
- Structure all content in a module with ordered titles
- Caption all videos and provide transcriptions for audio
- Make sure someone on your team is familiar with WCAG 2.1

Tips for Designing Accessible Courses

- from **Sheryl Burgstahler,** Director, Accessible Technology Services at the University of Washington, available at https://www.washington.edu/doit/20-tips-teaching-accessible-online-course

For course content pages, documents, images, and videos:

- Use clear, consistent layouts and organization when presenting content
- Structure headings in an organized fashion
- Use descriptive wording for hyperlink text
- Minimize the use of PDFs, and make sure the text is accessible (you can test by seeing if you can copy and paste it)
- Offer text-based alternatives
- Provide alternative-text descriptions of all images
- Simple design: large, bold fonts on uncluttered pages with plain backgrounds
- Use color combinations that are high contrast and can be read by colorblind individuals
- Make sure all content and navigation is accessible using the keyboard alone
- Caption or transcribe video and audio content

Pedagogical Choices

- Still from **Sheryl Burgstahler,** Director, Accessible Technology Services at the University of Washington, available at https://www.washington.edu/doit/20-tips-teaching-accessible-online-course

- Provide options for gaining the technology skills needed for course participation.
- Present content in multiple ways (UDL)
- Address a wide range of language skills as you write content (e.g., define terms)
- Make instructions and expectations clear
- Make examples and assignments relevant to learners with a wide variety of interests and backgrounds (UDL – multiple means of action and expression)
- Offer outlines and other scaffolding tools to help students learn
- Provide adequate opportunities for practice
- Allow adequate time for activities, projects, and tests
- Provide feedback on project parts and offer corrective opportunities
- Provide options for communicating and collaborating that are accessible to individuals with a variety of abilities (UDL – multiple means of engagement)
- Provide options for demonstrating learning

Can your LMS Help?

LMS Examples:

Blackboard Ally

- ◦ - http://www.blackboard.com/accessibility/blackboard-ally.html

Canvas/Instructure Accessibility Checker

- ◦ Universal Design Online content Inspection Tool (UDOIT)
  - ◦ - created by the Center for Distributed Learning (CDL) at the University of Central Florida (UCF)
  - ◦ - https://cdl.ucf.edu/teach/accessibility/udoit/
  - ◦ - https://tmcc.instructure.com/courses/791994/pages/udoit-accessibility-checker

Moodle

- ◦ - provides resources and established an accessibility collaboration group
- ◦ - https://docs.moodle.org/dev/Accessibility

Other Considerations/Resources

Don't forget WCAG 2.1

Quality Matters: rubric with accessibility and usability standards

Texas DLA Digital Accessibility Certification Program (31 hours)

UDL: Universal Design for Learning at www.udlcenter.org

Association on Higher Education and Disability (AHEAD): www.ahead.org

Yours?

Thank You!

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