



Center on Technology and Disability  
[www.CTDinstitute.org](http://www.CTDinstitute.org)

# Digital Accessibility Toolkit

## What Education Leaders Need to Know

# Digital Accessibility Toolkit

## What Education Leaders Need to Know

*Alise Crossland, Tracy Gray, Jillian Reynolds, Devon Wellington, Athena Zhou*  
*American Institutes for Research*

**OCTOBER 2016**

The Center on Technology and Disability is funded by the U.S. Department of Education, Office of Special Education Programs (OSEP) under award #H327F130003.



Produced by the Center on Technology and Disability at American Institutes for Research, in partnership with the Consortium for School Networking.

### **About the Center on Technology and Disability**

The Center on Technology and Disability (CTD) is a user-centered learning and technical assistance website designed to increase the capacity of families, school systems, technical assistance providers, SEA and LEA leaders, and other key stakeholders to understand, assess, acquire, and implement appropriate assistive and instructional technology strategies and tools. CTD is administered by FHI 360, American Institutes for Research, PACER Center, and Adirondack Accessibility.

[www.ctdinstitute.org](http://www.ctdinstitute.org)



### **About American Institutes for Research**

American Institutes for Research, in partnership with FHI360 on CTD, provides technical assistance to state and district leaders to support their efforts to integrate assistive and instructional technology strategies and tools. This work builds upon AIR's extensive experience with the integration of technology in teaching and learning to enhance education for all students.

[www.air.org](http://www.air.org)



AMERICAN INSTITUTES FOR RESEARCH®

### **About the Consortium for School Networking**

The Consortium for School Networking (CoSN) is the premier professional association for district technology leaders. For over two decades, CoSN has provided leaders with the management, community building, and advocacy tools they need to succeed. Today, CoSN represents over 10 million students in school districts nationwide and continues to grow as a powerful and influential voice in K–12 education.

[www.cosn.org](http://www.cosn.org)



# Contents

	<b>Page</b>
Introduction/Letter to Members .....	1
What Is Accessibility?.....	2
What Does It Mean for State and District Leaders? .....	2
Additional resources.....	4
Procuring Accessible Technology.....	6
What States and District Leaders Need to Know.....	6
What do we mean by “accessible technologies”? .....	6
Why is it so important to ensure that the technology we purchase be accessible? .....	6
What can state and district leaders do? .....	7
Suggested resources.....	7
Benefits of Digital Accessibility.....	9
How Digital Accessibility Benefits Your Institution.....	9
Improves student learning.....	9
Improves user experience .....	9
Expands website visibility .....	11
Saves valuable time and money.....	11
Additional resources.....	12
Legal Requirements for Digital Accessibility.....	13
What State and District Leaders Need to Know .....	13
Why is digital accessibility important? .....	13
What do I need to know about the legal framework for digital accessibility? .....	13
How can we get to compliance? .....	14
Resources on accessibility laws and guidelines.....	15
Resources for conducting accessibility audits .....	16
Examples from schools, universities, and education agencies .....	16

## Introduction/Letter to Members

The Center on Technology and Disability (CTD) and the Consortium on School Networking (CoSN) are pleased to present *Digital Accessibility Toolkit: What Education Leaders Need to Know*.

Accessibility is essential for leveraging technology and providing educational opportunities for all students, including those with disabilities and English language learners. School systems need to ensure all information provided to the public, parents, and guardians is accessible. Research shows two key factors in a student's educational success are the availability of accessible content and materials and parental engagement. Parental involvement is possible only if parents can access and understand information from teachers and principals about their child. Unfortunately, many state and district leaders become aware of the importance of accessibility only when faced with legal action.

The toolkit offers resources, tips, and information for state and district leaders that can provide guidance on how to ensure accessibility is part of the educational equation. The goal is to support leaders in being proactive instead of reactive. The four sections of the toolkit define accessibility and share why this effort is important today, identify the legal requirements for digital accessibility, describe the benefits of digital accessibility, and explain the procurement of accessible technology.

Issues of accessibility will continue to be in the forefront for education leaders, chief technology officers, and other educators as they seek to close the digital divide and increase educational equity for all students.

We hope you find this toolkit and its supplementary infographics useful in supporting all learners!

**Donna Williamson, Technology Director, Mountain Brook City Board of Education (AL)**

"This toolkit will help frame conversations with central office staff and school administrators to develop a plan to ensure that all parents have access to the information we post on our website and in our parent portal."

# What Is Accessibility?

## What Does It Mean for State and District Leaders?

Accessibility is a critical key to leverage the power of technology and provide equal educational opportunity for all students, particularly those with disabilities. This concept involves the design of materials (e.g., curricula and resources), devices (e.g., smart phones and tablets), digital tools (e.g., computers, apps, and games), and platforms (e.g., online learning and websites) that support access to educational content and activities. Further, accessibility refers to accommodating individual cognitive and physical needs to remove unnecessary obstacles so that students can demonstrate their knowledge and skills in formative and summative assessments.

This concept of accessibility of digital and web content applies not only to students with disabilities, but also to English language learners and those from underresourced communities. Technological tools can make accessibility possible with embedded supports such as audio and digital text formats of instructional materials and strategies that differentiate and personalize instruction to meet the needs of the learner. These embedded supports must consider the range of variation among learners in their ability to navigate, perceive, understand, and interact with educational content, activities, and services. Further, accessibility features need to be designed with recognition of the wide range of student disabilities that may have an impact on learning, including physical, visual, auditory, cognitive, and neurological disabilities.

There is a growing awareness the supports necessary to ensure accessible learning can be built into the hardware and software at the inception of the development process. This approach is referred to as “**born accessible**” or universal design for learning (UDL). Based on the architectural concept of universal or inclusive design, UDL has gained prominence in the education community because it seeks to level the playing field for all students with three key principles to enhance teaching and learning that provide multiple means of

**Terry Locke, Director of  
Community Relations, Chandler  
(AZ.) Unified School District**

"While most educators and staff innately desire to serve and communicate effectively with our public, they would be horrified to learn they have discriminated against the disabled and may not recognize that a problem exists or how to address it. Our goal is to reach everyone responsible for our online and electronic communication, in the most straight-forward and understandable way, explaining how to include those with vision or hearing impairment, cognitive or physical disabilities and why it matters."

1. **Representation so that students can approach information in more than one way.** This includes digital books, specialized websites, hardware, software, and screen readers that may feature text-to-speech, availability of different reading levels, changeable color contrast, alterable text size, or a combination.
2. **Expression so that all students can demonstrate and express what they know.** This includes

options in how students express their learning, when appropriate, such as writing, videos, speech-to-text programs, and online concept mapping.

3. **Engagement to stimulate interest in and motivation for learning.** This includes offering students the option across different learning activities or content for a particular competency or skill and providing opportunities for greater collaboration or scaffolding.

Digital learning tools coupled with UDL principles provide opportunities for customization and personalize learning for all students because they allow for more flexibility than traditional learning formats. A tailored learning experience creates more student engagement and achievement.<sup>1</sup> With the continued emergence of innovative technologies, it is now easier than ever for content creators and program developers to reflect these UDL principles. For example, user-friendly tools are available to develop or enhance content so that it is accessible to the broadest range of users:

- Captions for videos
- Alt-text (that is, an inserted word or phrase to describe an image) on websites and in e-books
- Standard headers in websites, forms, e-books, and documents
- Adjustment of text colors and background contrasts
- Text-to-speech, speech-to-text, dictionaries, and glossaries

Although many aspects of digital content can be made accessible with readily available tools, challenges remain, particularly for students with disabilities. This is particularly the case with educational materials that include

- STEM content—formulas, charts, and graphs can be difficult for screen readers
- Images—adding the right kind of description takes knowledge, practice, and a deep understanding of the content

As more educational content, activities, and services are made available in digital formats and delivered online, the issues of accessibility will continue to be in the forefront for educators as they seek to close the digital divide and ensure educational equity for all students.

### **What About Accessibility in Online Learning Environments?**

As technology changes the ways in which students engage with educational materials and the settings in which they learn, our understanding of what represents a free appropriate public education (FAPE) in the least restrictive environment (LRE) also will shift. LRE in a physical classroom or space may look very different from LRE in a virtual or blended learning environment, with various accessibility needs. An online learning environment could be inclusive as a result of a wide variety of accessible content and built-in supports or exclusive (and denying a student FAPE in the LRE) because key learning resources have not been made fully accessible. Although the perception is

<sup>1</sup> Office of Educational Technology, U.S. Department of Education. (2016). *Future ready learning: Reimagining the role of technology in education*. Washington, DC: U.S. Department of Education. Retrieved from <http://tech.ed.gov/files/2015/12/NETP16.pdf>

growing that the use of technology to support instruction can improve student experiences and learning outcomes, digital or online content alone is not sufficient to meet the accessibility needs of all students with disabilities, and many digital learning resources may in fact be difficult or impossible for students with disabilities to access (e.g., videos, animations, documents) without adding accessibility features. It is critical that accessibility and the needs of students with disabilities be factored into planning and development of online learning environments.

Learn more at the Center on Online Learning for Students with Disabilities:  
<http://centerononlinelearning.org/>

## Additional resources

### *Born Accessible Learning Resources*

[http://www.ctdoinstitute.org/sites/default/files/file\\_attachments/Born\\_Accessible\\_QuickGuide\\_508\\_0.pdf](http://www.ctdoinstitute.org/sites/default/files/file_attachments/Born_Accessible_QuickGuide_508_0.pdf)

### *CAST: Professional Learning*

<http://www.cast.org/our-work/professional-learning#.V6iMGfkrKUK>

### *CAST: UDL at a Glance (video)*

<https://youtu.be/bDvKnY0g6e4>

### *Evolution of Disability Legislation 1973–2016 (infographic)*

<http://www.ctdoinstitute.org/library/2016-08-19/evolution-federal-disability-legislation-1973-2016>

### *Future Ready Assistive Technology: Fostering State Supports for Students With Disabilities*

<http://www.ctdoinstitute.org/library/2016-01-14/future-ready-assistive-technology-fostering-state-supports-students-disabilities>

### *Future Ready Learning: Reimagining the Role of Technology in Education*

<http://tech.ed.gov/files/2015/12/NETP16.pdf>

### *UDL and Born Accessible Learning Resources: What State Leaders Need to Know (webinar)*

<http://www.ctdoinstitute.org/library/2016-03-30/udl-and-born-accessible-learning-resources-what-state-leaders-need-know>

### *Students with Disabilities Learning Online: Vulnerable Students in a Rapidly Evolving and Unstable Environment*

<http://ctdoinstitute.org/library/2015-04-27/students-disabilities-learning-online-vulnerable-students-rapidly-evolving%0B-and>

### *UDL and Born Accessible Learning Resources: What State Leaders Need to Know*

<http://www.ctdoinstitute.org/library/2016-03-30/udl-and-born-accessible-learning-resources-what-state-leaders-need-know>

### *Understanding Accessibility: Policy and Implications for State Leaders (webinar)*

<http://www.ctdoinstitute.org/library/2016-08-18/understanding-accessibility-policy-and-implications-state-leaders>

### *Understanding Assistive Technology: Policy and Implications for State Leaders (webinar)*

<http://www.ctdoinstitute.org/library/2016-08-18/understanding-assistive-technology-policy-and-implications-state-leaders>



*Understanding the Basics of Assistive Technology* (infographic)

<http://www.ctdinstitute.org/library/2016-08-19/understanding-basics-assistive-technology>

*Why You Need to Care About Accessibility* (infographic)

<http://www.ctdinstitute.org/library/2016-08-19/why-you-need-care-about-accessibility>

# Procuring Accessible Technology

## What States and District Leaders Need to Know

“States, districts, and post-secondary institutions should develop and implement learning resources that embody the flexibility and power of technology to create equitable and accessible learning ecosystems that make learning possible everywhere and all the time for all students. Whether creating learning resources internally, drawing on collaborative networks, or using traditional procurement procedures, institutions should insist on the use of resources and the design of learning experiences that use UD practices to ensure accessibility and increased equity of learning opportunities” (2016 National Education Technology Plan, 22).

## What do we mean by “accessible technologies”?

Accessibility ensures both equal access and equal opportunity for your audience, whether students, parents, educators, or other stakeholders. Equal access and equal opportunity to content, programs, resources, and learning platforms is a legal obligation, but also it ensures that your content is usable by all. Accessible technologies might include

- **Websites**
- **Online learning portals and platforms**
- **Videos posted online**
- **Digital textbooks and e-book readers**
- **Student or parent portals for scheduling, billing, or notifications**

Accessible technologies are those that people with disabilities can navigate, perceive, understand, and interact with and designers must consider physical, visual, speech, auditory, neurological, and cognitive disabilities.

## Why is it so important to ensure that the technology we purchase be accessible?

Beyond the legal requirement to provide accessible content, learning materials that are inaccessible are limited in their ability to support diverse learning needs and students with disabilities, often requiring costly accommodations. Beginning with materials that are accessible saves staff the time and money of trying to retrofit inaccessible content to meet student needs and obey the law. For example, a student with a vision impairment who is taking an online course in an inaccessible platform would need to wait for an aide or support staff to read the content instead of being able to access materials independently. The cost and time involved in finding someone to support the student could have been saved using an online learning platform that was accessible from the start. Finally, accessibility features offer benefits to all your users—the ability to magnify text, hear text read aloud, turn captions on, and change settings are features that make digital content more user-friendly and improve the learning experience for all students.

## What can state and district leaders do?

Although advances in technology have created many new opportunities for students with disabilities, not all digital content is accessible. Purchased and teacher- or district-created content must be carefully reviewed and evaluated to ensure that it is not creating barriers for users with disabilities. State and local education leaders need to shift toward being proactive about accessibility, not reactive when problems arise. Being proactive begins with making accessible technology and resources an institutionwide priority and creating systems for addressing accessibility issues, including the purchasing and acquisition process for new technologies. Key steps to consider include the following:

- **Research accessibility legislation and ensure that all staff understand their legal responsibility to provide accessible learning materials and resources.**
- **Let developers and publishers know that you expect digital textbooks, resources, and learning materials to be built according to industry accessibility standards and ensure that this language is included in all vendor contracts.**
- **Make reviewing for accessibility an integral part of your purchasing and procurement of new technologies.**
- **Build staff capacity around accessibility features and considerations when selecting or developing content.**
- **Set institutionwide expectations that accessibility is mandatory and is everyone's responsibility.**

## Suggested resources

*Accessibility Contract Language FAQs* (State of Massachusetts)

<http://www.mass.gov/anf/research-and-tech/policies-legal-and-technical-guidance/legal-guidance/procurement-forms-and-boiler-plate-lang/accessibility-for-it-solutions-contract-language.html>

*The Accessibility of Learning Content for All Students, Including Students With Disabilities, Must Be Addressed in the Shift to Digital Instructional Materials* (SETDA Policy Brief:)

[http://www.setda.org/wp-content/uploads/2014/03/SETDA\\_PolicyBrief\\_Accessibility\\_FNL.5.29.pdf](http://www.setda.org/wp-content/uploads/2014/03/SETDA_PolicyBrief_Accessibility_FNL.5.29.pdf)

*Accessibility Standards, Specifications and Guidelines*

[http://aem.cast.org/creating/accessibility-standards-specifications-guidelines.html#.Vs3st\\_krLIU](http://aem.cast.org/creating/accessibility-standards-specifications-guidelines.html#.Vs3st_krLIU)

*Buy Accessible: What to Look For in Ebooks*

<http://benetech.org/our-programs/literacy/born-accessible/accessible-ebooks-what-to-look-for/>

*Critical Components of Quality Indicators for AIM*

<http://aem.cast.org/policies/critical-components-quality-indicators.html#.Vs3t7vkrLIU>

*A Guide to Accessible Purchasing* (Temple University)

<https://accessibility.temple.edu/guide-accessible-purchasing>

*The PALM Initiative*

<http://aem.cast.org/navigating/palm.html>

*Procuring Accessible IT* (University of Washington)  
<http://www.washington.edu/accessibility/procurement/>

*To Care and Comply: Accessibility of Online Course Content*  
<https://www.youtube.com/watch?v=eks3r-nE9IU>

# Benefits of Digital Accessibility

## How Digital Accessibility Benefits Your Institution

“The Web is increasingly an essential resource for many aspects of life: education, employment, government, commerce, health care, recreation, social interaction, and more” (n.p.).<sup>2</sup> Ensuring that these web-based services and resources are inclusive to all users, including those with disabilities, is critical and required under federal and state law,<sup>3</sup> and highlighted in Article 9 of the United Nations Convention on the Rights of Persons with Disabilities.<sup>4</sup> Accessible web-based functionality, however, extends beyond compliance to include benefits, such as improvement in student learning, improvement in user experience, greater search engine optimization (SEO), and direct cost savings.<sup>5</sup>

### Improves student learning

Though accessibility is both a state and federal legal obligation, it also is a moral and ethical obligation that goes to the heart of an educator’s mission to support learning for all their students. Inaccessible learning materials put up unnecessary roadblocks for your students on their path to deeper understanding and content knowledge. Inaccessible content is of limited usefulness for students with disabilities, and the time spent by them (and support staff) finding solutions, asking for help, and requesting accessible materials is time not spent on learning. Accessibility features can help place your students with disabilities on an equal footing with their peers and focus their energies on learning, creating, and engaging with high-quality content. Designing for accessibility isn’t just about compliance, you’re also empowering your students to succeed.

### Improves user experience

In addition to supporting people with disabilities, accessibility features on smart mobile devices, tablets, and computers help all people every day. These features improve our ability to search, retrieve, and engage with content. Here are some examples of

#### **Vanessa Robinson, Portland Community College student**

Vanessa, a student with a hearing disability, depends on captions to understand video content. Without captions, she must digest the content by aligning a transcript (if available) of the audio with the video, arranging time to consult with an interpreter, working with her instructor to find a comparable video, or completing a different assignment than her classmates, greatly impeding her ability to learn independently. Captions, provide Vanessa with a simple solution.

This brief video, produced by Portland Community College, describes the impact of accessible features for three students with disabilities:  
<https://youtu.be/eks3r-nE9IU>.

<sup>2</sup> Henry, S. L., & Arch, A., eds. (2012). *Developing a web accessibility business case for your organization*. Cambridge, MA: W3C. Retrieved from <https://www.w3.org/WAI/bcase/Overview.html>

<sup>3</sup> See Legal Requirements for Digital Accessibility section.

<sup>4</sup> United Nations Convention on the Rights of Persons With Disabilities. (2008). New York, NY: United Nations. Retrieved from <http://www.un.org/disabilities/convention/conventionfull.shtml>

<sup>5</sup> Henry, S. L., & Arch, A., eds. (2012). *Developing a web accessibility business case for your organization*. Cambridge, MA: W3C. Retrieved from <https://www.w3.org/WAI/bcase/Overview.html>

accessible features that we use every day at school, work, and home:

- **Dictation (e.g., speech-to-text, or virtual personal assistants)**
- **Font size and style adjustments**
- **Speech screens**
- **Touch screens and touch accommodations**
- **Zoom and magnification**
- **Visual and vibrating alerts and notifications**
- **Voice control and voice input**

Accessible features, like the examples just listed, benefit everyone by improving the user experience. Because the web provides a fast, easy, and efficient platform to share and collect information, learn, connect people, and provide work opportunities, accessible websites are crucial. Accessibility features (for example, alternative text, font style and color, captions, contrast between background and foreground colors, mobile compatibility) on a website improve the user experience by:<sup>6</sup>

- **Reducing barriers to use.** Including alternative text to describe images and graphics, and developing a site that does not require the use of a mouse, greatly improves usability and accessibility.
- **Ensuring mobile device compatibility.** For many users, a mobile phone is the primary device used to access information from the web.
- **Improving access for older people.** Older people may find it difficult to view content on webpages, navigate a mouse, or hear audio from a video or podcast. Many of the accessibility features that enhance the web experience for people with disabilities would also improve the user experience for older users.

Let's consider another accessible feature, like **captioning** (or subtitles), which was intended to support people with hearing disabilities, but it enhances the user experience for all users. Captioning offers convenient, educational, and functional benefits. Here are examples of how captioning improves the user experience for all users:

- **Communicates content in settings where sound is unavailable.** Captions enable the user to comprehend what is happening in a noisy environment, or if the audio is too low or unavailable.
- **Improves literacy for struggling readers or English language learners (ELLs).** Captions promote comprehension and language development for struggling readers or ELLs by reading the words on the screen and hearing the words spoken aloud.

**Steve Langford, Chief  
Information Officer, Beaverton  
School District**

"We must provide materials, tools, and content that supports all student learners. While there are many benefits of designing with accessibility, one of the most compelling reasons is the potential instructional impact on the learning for all students."

<sup>6</sup> Ibid.

- **Increases engagement with content.** Captions help increase focus and retention of information.
- **Supports understanding if speaker or audio is difficult to understand.** Captions clearly show what is being communicated by a speaker who speaks fast, with an accent, or is challenging to understand.

## Expands website visibility

In addition to the legal requirements websites must adhere to, accessibility features improve the visibility of your institution's web presence.<sup>7</sup> In fact, "Web accessibility can make it easier for people to find a website, access it, and use it successfully, thus resulting in increased audience (more users) and increased effectiveness (more use)" (n.p.).<sup>8</sup> Here are some benefits of accessibility features on websites:<sup>9</sup>

- **Increases potential use by more people.** Accessible websites can be used by more people, including people with disabilities, people using mobile devices, people not fluent in the language of the website, older and younger people, people with older technology devices, and those with low bandwidth Internet connections.
- **Increases findability with SEO.** Search engines are able to identify content within a website and across the web when accessibility features are used. For example, including alternative text to describe graphics and images and incorporating headings, increase website content exposure to search engines.
- **Increases usability and return visits to website.** In general, accessible websites are more functional for all users. For instance, by incorporating simple language and supplemental illustrations with clear and consistent design and navigation features, users are able to easily and efficiently search for content and navigate the site. Positive experiences typically produce return visits.
- **Increases potential use in more situations.** As exemplified with the use of captions in the previous section, a website featuring accessible functionality can be accessed in more situations: noisy and quiet environments, and places with low bandwidth.

## Saves valuable time and money

Finally, by choosing to incorporate accessible features from the beginning, institutions may benefit by avoiding costly and time-consuming:

- **Compliance lawsuits.** Accessibility is the law, ensuring websites are accessible reduces the danger of paying legal costs for not complying with Web accessibility requirements.
- **Replacement and retrofitted devices.** Purchase technology devices with design and accessibility features in mind.
- **Website redesign.** If necessary, spend more money up front to ensure accessibility.

<sup>7</sup> WebAIM. (n.d.). *Web accessibility and SEO* (Blog). Retrieved from <http://webaim.org/blog/web-accessibility-and-seo/>.

<sup>8</sup> Henry and Arch, 2012.

<sup>9</sup> Ibid.

- **Unnecessary accommodations.** Staff time spent providing an accommodation to meet user needs.

Additionally, some strategies to reduce accessibility implementation costs, include:<sup>10</sup>

- **Incorporating accessibility from the start.** Educate yourself, or hire an expert, on website accessibility so you are prepared to make informed decisions and properly train your team.
- **Sharing accessibility resources.** Many costs related to ensuring Web accessibility are made at an organization level, rather than at a project level. Share initial costs among multiple projects, instead of repeating for multiple projects.
- **Addressing accessibility and mobile devices concurrently.** Be mindful of users accessing content through mobile devices. Develop websites for desktop and laptop computers and mobile devices simultaneously, instead of one at a time.

## Additional resources

*Developing a Web Accessibility Business Case for Your Organization*

<https://www.w3.org/WAI/bcase/Overview.html>

*Everything You Need to Transcribe Videos and Create Closed Captions In-House*

<http://www.3playmedia.com/2015/07/06/everything-you-need-to-know-to-transcribe-video-create-closed-captions/>

*Financial Factors in Developing a Web Accessibility Business Case for Your Organization*

<https://www.w3.org/WAI/bcase/fin>

Henry, S. L., & Arch, A., eds. (2012). *Developing a Web Accessibility Business Case for Your Organization: Overview*. Cambridge, MA: W3C. Retrieved from

<https://www.w3.org/WAI/bcase/Overview.html>

*How Does Accessible Web Design Benefit All Web Users?*

<http://www.washington.edu/doit/how-does-accessible-web-design-benefit-all-web-users>

*Reap SEO Bonuses by Making Your Website Accessible*

<http://siteimprove.com/blog/overlaps-between-seo-and-web-accessibility/>

*7 Ways Video Transcripts and Captions Improve SEO*

<http://www.3playmedia.com/2016/06/14/7-ways-video-transcripts-captions-improve-seo/>

*Simply Said: Understanding Accessibility in Digital Learning Materials*

<https://www.youtube.com/watch?v=HzE5dj1WTS0>

*What Are AEM?*

<http://aem.cast.org/about/what-are-aem.html#.V6IN1vkrKUK>

---

<sup>10</sup> Ibid.



# Legal Requirements for Digital Accessibility

## What State and District Leaders Need to Know

### Why is digital accessibility important?

Technology tools have become deeply entwined in the ways that we learn, work, communicate, play, and shop. We encourage students to learn online with courses, videos, and other interactive materials and devices; we use school or university websites to communicate with students and parents; we use online portals for scheduling classes and teacher conferences or paying tuition bills. But when these resources are inaccessible to students, teachers, parents, or others with disabilities, they are digitally excluding large sections of your users and opening up your institution to complaints and legal challenges.

The Office of Civil Rights has spent considerable time working with institutions of higher education to address website accessibility issues, and is now beginning to intensify that work with [K-12 schools and districts](#). With more of our learning and interactions occurring online, digital accessibility is a major concern for educators and educational institutions. Now is the time to address website accessibility issues.

### What do I need to know about the legal framework for digital accessibility?

Although the laws related to individuals with disabilities did not explicitly address accessibility issues, such as the Rehabilitation Act (1973), and the Americans with Disabilities Act (ADA; 1990, amended 2008), case law and guidance from the U.S. Department of Justice and the U.S. Department of Education indicate that websites and website content fall under the umbrella of existing nondiscrimination laws.

This interpretation of existing civil rights and disability legislation was solidified in two Statements of Interest filed by the U.S. Department of Justice (DOJ) in recent cases brought by the National Association for the Deaf against Harvard and MIT ([https://www.ada.gov/briefs/mit\\_soi.pdf](https://www.ada.gov/briefs/mit_soi.pdf); [https://www.ada.gov/briefs/harvard\\_soi.pdf](https://www.ada.gov/briefs/harvard_soi.pdf)). Both universities argued that captioning of videos was not required by existing law, and that in the absence of clear federal guidelines, web accessibility lawsuits should be delayed until revisions could be made. In the response to this argument, the DOJ rejected these claims, and reiterated that the ADA was explicitly written to keep pace with developing technology, and that website accessibility was mandatory even in the absence of updated and more concrete guidelines.

In the 2010 joint Dear Colleague Letter on e-book readers, guidance on emerging technologies similarly underscored the importance of compliance with disability laws stating, *"It is unacceptable for universities to use emerging technology without insisting that this technology be accessible to all students [emphasis added]"* (U.S. Department of Justice & U.S. Department of Education, 2010, n.p.). In a follow-up FAQ document, the DOJ and ED clarified that this ruling applied to both K-12 and higher education and went beyond accessibility of e-book readers (<http://www2.ed.gov/about/offices/list/ocr/docs/dcl-ebook-faq-201105.pdf>).

Within this context, educators at all levels need to be familiar with and understand federal and state-level accessibility laws, including Sections 504 and 508 of the Rehabilitation Act; the Americans with Disabilities Act (ADA); and the Individuals with Disabilities Education Improvement Act (IDEIA). In addition, many states have their own accessibility laws and guidelines (sometimes referred to as “little 508s”) that may go further than existing federal law. Taken together, these laws ensure that individuals with disabilities have equal access to all programs, services, and activities, including web-based and digital communications.

Although there has been a delay in the release of the new digital accessibility guidelines for Section 508 of the Rehabilitation Act, it is clear that digital accessibility is mandatory. These revisions will require tighter focus and attention for schools, districts, universities, and state education agencies. Some institutions still adhere to the current Section 508 guidelines and the Web Content Accessibility Guidelines (WCAG) 1.0, but many institutions have begun to shift to WCAG 2.0 in anticipation of the U.S. adoption of the international standard.

## How can we get to compliance?

Your role as an education technology leader is critical for creating an environment within your institution where accessibility is a priority. Ensuring compliance with federal and state accessibility laws, and protecting equal access for people with disabilities is a systemwide (that is, school, district, institution) responsibility. Your commitment, vision, and leadership are essential. Accessibility considerations should be a regular part of planning and technology usage at all levels, not just considered when problems arise or when users request accommodations. Being proactive instead of reactive saves time and money and ensures that anyone using your website is able to perceive, understand, and navigate your content.

If your institution does not already have an accessibility policy clearly communicated on your website, and guidelines developed for all staff, developing and communicating one should be your first priority. Here are action steps your team can take to bring all your website content into compliance:

1. Research and understand federal and applicable state accessibility laws and guidelines.

### WCAG 1.0 vs WCAG 2.0

What are some of the key differences between the WCAG 1.0 and the WCAG 2.0?

- WCAG 2.0 applies to a wide variety of web technologies and is designed to apply to advances in technology.
- Clearer requirements in the WCAG 2.0 make testing (both automated and by people) and compliance more straightforward.
- WCAG 2.0 creates a single international standard for web content accessibility.
- WCAG 2.0 is “organized around four design *principles* of Web accessibility. Each principle has *guidelines*, and each guideline has testable *success criteria at level A, AA, or AAA*” (n.p.).<sup>11</sup>

Learn more at WC3:

<https://www.w3.org/WAI/WCAG20/from10/diff.php>.

<sup>11</sup> Henry, S. L., & Arch, A., eds. (2012). *How WCAG 2.0 differs from WCAG 1.0*. W3C. Retrieved from <https://www.w3.org/WAI/WCAG20/from10/diff.php>

2. Review accessibility policies at other schools, districts, and universities.
3. Use checklists and guides such as the WCAG 2.0 checklist to perform an accessibility audit of your website, instructional materials, and digital content to ensure that all of your materials are in compliance with federal laws.
4. Identify materials that are not in compliance and develop a plan for addressing accessibility issues.
5. Set goals and benchmarks for addressing compliance issues with timelines for success.
6. Work together to create state-, district-, school-, and institutionwide systems for addressing accessibility involving educators, community members, students, administrators, disability and accessibility organizations, content creators, and web developers in your planning.
7. Develop and communicate your institutionwide vision for accessibility and the importance of compliance with accessibility laws. If your school, district, or institution does not already clearly communicate an accessibility policy on your website, doing so should become a priority (see Resources section for examples from other institutions).
8. Continue to conduct regular accessibility audits of technology and solicit feedback from students and stakeholders.

## Resources on accessibility laws and guidelines

*Accessibility Standards, Specifications and Guidelines*

[http://aem.cast.org/creating/accessibility-standards-specifications-guidelines.html#.Vs3st\\_krLIU](http://aem.cast.org/creating/accessibility-standards-specifications-guidelines.html#.Vs3st_krLIU)

*At a Glance: Which Laws Do What*

<https://www.understood.org/en/school-learning/your-childs-rights/basics-about-childs-rights/at-a-glance-which-laws-do-what>

*The Big Difference: Disability Rights and Responsibilities in High School vs. College*

<https://www.concordia.edu/sitefiles/w3/successctr/the%20big%20difference.pdf>

*A Comparison of ADA, IDEA, and Section 504*

<https://dredf.org/advocacy/comparison.html>

*Frequently Asked Questions About the June 29, 2010, Dear Colleague Letter*

<http://www2.ed.gov/about/offices/list/ocr/docs/dcl-ebook-faq-201105.pdf>

*Learn About Section 508 Requirements and Responsibilities*

<https://www.section508.gov/content/learn>

*A New Look at Section 504 and the ADA in Special Education Cases*

<http://apps.americanbar.org/litigation/committees/childrights/content/articles/summer2011-section-504-ada-idea.html>

*Sections 508 and 504: Closed Captioning and Web Accessibility Requirements*

<http://info.3playmedia.com/wp-section-508.html>

2017 Federal and State Accessibility Guidelines and Laws for Education  
<https://cielo24.com/2016-accessibility-guidelines-res/>

United States Access Board  
<https://www.access-board.gov/>

## Resources for conducting accessibility audits

Accessibility Testing Tools (Paciello Group)  
<https://www.paciello.com/resources/>

How to Conduct a Basic Accessibility Audit on Your Site  
<http://blogs.adobe.com/dreamweaver/2016/05/how-to-conduct-a-basic-accessibility-audit-on-your-site.html>

How to Meet WCAG 2.0  
<https://www.w3.org/WAI/WCAG20/quickref/>

IT Accessibility Risk Statements and Evidence  
<https://library.educause.edu/resources/2015/7/it-accessibility-risk-statements-and-evidence>

10 Tips for Creating Accessible Course Content  
<http://www.3playmedia.com/2015/10/21/10-tips-for-creating-accessible-course-content/>

WCAG 2.0 Guidelines (PennState)  
<http://accessibility.psu.edu/wcag2/>

WebAIM's WCAG 2.0 Checklist  
<http://webaim.org/standards/wcag/checklist>

Web Accessibility Evaluation Tools List  
<https://www.w3.org/WAI/ER/tools/>

## Examples from schools, universities, and education agencies

Accessibility Statement (Communities in Schools of Washington)  
<http://ciswa.org/accessibility-statement/>

Accessible Educational Resources Portal (Seattle Public Schools)  
<http://www.seattleschools.org/cms/One.aspx?portalId=627&pageId=8660017>

Accessible Technology at the UW  
<http://www.washington.edu/accessibility/>

Policy AD69—Accessibility of Electronic and Information Technology  
<http://guru.psu.edu/policies/AD69.html>

Web Accessibility Statement (Cambridge Public Schools)  
[http://www.cpsd.us/web\\_accessibility\\_statement](http://www.cpsd.us/web_accessibility_statement)

Web and Technology Accessibility FAQ (Seattle Public Schools)  
<https://www.seattleschools.org/cms/one.aspx?pageId=7183920>