

“Covered entities under the ADA are required to provide effective communication, regardless of whether they generally communicate through 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.”

US Department of Justice, 1996

ACCESSIBILITY FAQ

Where did the increased emphasis on accessibility come from?

In March 2016, the State Board approved the Accessible Technology Policy:

Washington State community and technical colleges shall provide appropriate, effective, and integrated access to technology for students employees, and external community members. This policy applies to the procurement, development, and implementation of instructional, administrative, or communications technologies and content. Further, the policy applies to both current and emerging technologies, including both hardware and software, in use or being evaluated for purchase or adoption throughout the community and technical college system. The policy encompasses, but is not limited to, college websites, learning management tools, student information systems, training materials, instructional materials, and assessment tools.

The State OCIO issued Policy 188 in August, 2016. This policy states that the technology used by all state agencies must meet minimum accessibility standards and all state agencies will need to:

- Identify an information technology accessibility coordinator by Dec 31, 2016,
- Adopt accessibility policies and procedures by Dec 31, 2016,
- And, have an accessibility plan for ensuring new and existing technologies are accessible defined by March 31, 2017.

Both policies have served to focus increased attention on accessibility in our system and in state government more generally.

Additionally, in the last few years, the Office of Civil Rights (OCR) of the US Department of Education and the Department of Justice (DOJ) have begun enforcing federal laws that grant people with disabilities the same level of access to technology as the general population. While these local policies are somewhat new they simply reinforce federal laws that most of higher education has largely overlooked.

Section 504 of the Rehabilitation Act of 1973 and **Title II of the ADA** both guarantee access to public higher education for people with disabilities. In 1996 the DOJ stated that entities that fall under Title II of the ADA, if providing services, communication, or information online must ensure that the online content is accessible for people with disabilities.

These are not new requirements but given the increasing numbers of OCR complaints and lawsuits, higher education has started to take note and respond to the changing legal landscape.

What do we need to do to comply with these policies and mitigate risk?

Most of our colleges are already working to mitigate the risk of an OCR complaint. The following promising practices are among those suggested by resolution agreements and settlements:

- Conduct an audit of the accessibility of IT, and develop a corrective action strategy to address problems identified in the audit.
- Set institutional standards relating to accessible technology and create a method to monitor compliance.
- Provide training and education about accessibility to anyone on campus who is responsible for creating or procuring IT, as well as those responsible for creating content.
- Institute procedures for addressing accessibility as a requirement within the procurement process.
- Provide and publicize a mechanism by which students, faculty, staff, and members of the public can report access barriers.

Source: <http://www.washington.edu/accessibility/requirements/legal-cases-by-issue/>

How can presidents support this work?

If your institution has an IT Accessibility Coordinator, ensure that they have the authority to enforce your accessible technology policy.

Communicate with your campus about the importance of this work. Executive support and communication is vital for ensuring colleges can effectively address accessible technology. Check out this article from EDUCAUSE, [Accessibility: A Shared Campus Responsibility Best Accomplished with Executive Support](#).

If something is inaccessible does that mean we cannot use it?

Chances are you have plenty of technology currently in use that is inaccessible. The best approach is to focus on ensuring any technology procured/used *from this point forward* is accessible.

As contracts come up for renewal add accessibility compliance in as a requirement. If something is not accessible, make sure you have an alternative format available (try to make sure that alternative does not require extra work - such as coming to campus or relying on a sighted person - for the person with a disability). Work with vendors to find out their roadmap for making the technology accessible.

What is the State Board contributing to this effort?

The State Board currently offers free training to faculty and staff in the CTC system. Additionally, SBCTC eLearning has spent more than \$1 million towards the following:

- A staff position focused on accessible technology initiatives.
- Discounted pricing for closed captioning of instructional videos.
- Access360 - a capacity building program, 9 colleges currently participating
- Ally - a tool that scans Canvas courses and flags accessibility problems

CATO (Committee for Accessible Technology Oversight, which was formed by direction of the State Board policy, is currently gathering feedback from the commissions in order to develop a proposal to leverage our system's resources to address accessibility testing requirements and remediation in a cost-effective, equitable and responsive manner.

<http://bit.ly/cato-options>



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