

Access to Information Technology by People with Disabilities Illustrations of Implementation from the United States – Quick Reference

National Council on Disability
1331 F Street, NW, Suite 850
Washington, DC 20004
202-272-2004 Voice
202-272-2074 TTY
202-272-2022 Fax

Lex Frieden, Chairperson

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This paper provides examples of the implementation of U.S. disability laws pertaining to accessible information technology. A more detailed description is provided in the attached policy paper.

Legislation

Under Section 508 of the 1998 amendments to the Rehabilitation Act of 1973, federal agencies are required to “procure, develop, maintain and use” only accessible electronic and information technology for their own use or use by the public. Federal employees with disabilities must have access to and use of information and data that is comparable to that of federal employees without disabilities, unless there it creates an undue burden. In the alternative, members of the public must have access to and use of information and data that is comparable to that of members of the public without disabilities. The U.S. Access Board, an independent federal agency, was charged with developing technical and functional provisions such as software applications and operating systems; web-based information or applications; telecommunications products; video or multimedia products; self-contained, closed products, such as information kiosks and transaction machines; and desktop and portable computers.

The Americans with Disabilities Act (ADA) of 1990 also has increased accessible information technology by applying non-discrimination principles to state and local governments, as well as private entities. Title I of the ADA requires employers to make reasonable accommodations, which may include an appropriate technological solution. Title II requires state and local governments to effectively communicate information and services provided. Some examples of communicating this information include providing auxiliary aids and services such as qualified interpreters, assistive listening devices, open and closed captioning, qualified readers, and brailled materials. Title III requires private entities and commercial facilities, which come under the definition of “public

accommodations,” to make their goods, services, and facilities accessible to individuals with disabilities. This has been interpreted to cover transactions with e-commerce and transactions occurring on the internet.

Section 255 of the Telecommunications Act of 1996 requires manufacturers and vendors of telecommunications equipment and services to make their products accessible to individuals with disabilities if it is readily achievable. The statute covers many devices and telecommunications products, including wired and wireless telecommunication devices, such as telephones, pagers, and fax machines, and a phone company’s switching equipment. The statute also established the Telecommunications Access Advisory Committee, which provides a platform for ongoing interaction between government, industry, and the disability community.

- **Technical Assistance**

The Access Board provides technical assistance through their website. Furthermore, a website, which is sponsored by the General Services Administration (GSA), is dedicated solely to Section 508, where stakeholders can find an abundance of information regarding the implementation of the statute. The Federal Communications Commission (FCC) also provides technical assistance regarding the Telecommunications Act on its website.

- **Compliance**

Upon the enactment of Section 508, each federal agency was required to evaluate the progress of accessible information technology and submit a report to the Attorney General. The statute also requires the Attorney General to submit progress reports to the President every two years.

- **Enforcement**

Federal employee complaints against federal agencies in violation of Section 508 are to be submitted to the non-complying agency. The statute also provides for a private right of action. The FCC enforces the Telecommunications Act, but a private right of action is not available under the statute.

Other Initiatives

The Computer Electronics Accommodations Program (CAP), a federal program, provides assistive technology for persons with disabilities working in the federal government. The program works to increase the representation and retention of people with disabilities in the federal sector. Examples of accommodations provided by CAP include screen reader and voice input computer programs.

The Accessibility Forum, which is sponsored by the General Services Administration, is an ongoing collaboration between 640 groups, including government, industry, and users, to communicate on issues and areas where further effort could enhance electronic and information technology accessibility. The forum also brings together stakeholders to

support informed decisions about electronic and information technology products relative to Section 508.

The AccessIT Center at the University of Washington serves to increase the access of individuals with disabilities to information technology in educational institutions by developing and disseminating materials, training, and technical assistance that facilitate adoption of policies and practices leading to the increased use of accessible information technology. Some examples of accessible information technology education are accessible web pages, which allow individuals to communicate with their peers, instructional software, and telecommunications and office equipment.

The Information Technology Technical Assistance and Training Center (ITTATC) at the Georgia Institute of Technology provides accessible training and technical assistance related to Section 508 of the Rehabilitation Act and Section 255 of the Telecommunications Act. ITTAC assistance involves personalized responses to in-depth questions, referrals to experts, discussion of accessibility issues surrounding important decisions and delivery of a wide range of technical assistance materials.

The Web Accessibility Initiative (WAI) is part of the World Wide Web Consortium (W3C) and works with organizations around the world pursuing accessibility of the web through five primary areas of work: technology, guidelines, tools, education and outreach, and research and development. WAI/W3C work is developed through a consensus-based process including the different stakeholders in web accessibility, including industry, disability organizations, government and accessibility research organizations.

The Digital Accessible Information System (Daisy Consortium) was established in order to transition from analog to digital talking books. The goal of the Consortium is to have all published information available to people with print disabilities at the same time and at no greater cost, in an accessible, feature-rich, navigable format.