

# National Disability Policy: A Progress Report

## October 7, 2016

### Executive Summary

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The National Council on Disability (NCD) recognizes that technology is essential to the full realization of citizenship for people with disabilities. Yet our society has not evolved to the point where this population uses technology to the extent needed to enjoy the rights of full citizenship, as recognized by the Constitution. As technology continues to evolve at a rapid pace, it is important to consider factors that can facilitate or impede technology adoption and use by people with disabilities. Thus, NCD has committed the 2016 *Progress Report* to technology. The report focuses on information and communication technology (ICT) but also addresses other forms of assistive technology. To encourage the use and access of technology among all members of society, NCD proposes a Technology Bill of Rights for People with Disabilities.

The 2016 *Progress Report* begins by offering insight on how technology can contribute to the lives of people with disabilities in the areas of education, employment, health and well-being, and independent living. Although the report is limited to these four broad topics, many of the principles described in this report can be applied across different settings. Next,

the report identifies and describes common barriers that interfere with the ability of people with disabilities to use ICT and ICT-related assistive technology. The report then looks to the future of technology. It identifies how people with disabilities, the technology industry, and others can capitalize on the opportunities that accompany emerging and innovative technologies to maximize daily functioning. Federal legislation and international policies that can impact how people with disabilities can benefit from technology are addressed next. Finally, the report offers recommendations to the President, Congress, and federal agencies; the technology industry; and other private and public sector entities on policies and practices that promote opportunities for people with disabilities to experience the full realization of citizenship with the use of technology.

A summary of recommendations to promote the full rights of citizenship through accessible technology follows.

#### **Recommendations for the President, Congress, and federal agencies:**

- Congress should establish a Technology Bill of Rights for People with Disabilities that

identifies principles to be used for any future technology legislation and clarifies that the current landscape of laws, regulations, and Executive Orders establishes a right to accessible and inclusive technology and ensures equal and fair access for Americans with disabilities to existing and emerging technology and related services.

- The U.S. Department of Justice should initiate rulemaking that reinforces in plain language that the Americans with Disabilities Act (ADA) relates to the Internet.
- Federal agencies such as the U.S. Department of Justice, the Access Board, and the Office of Management and Budget should immediately finalize and issue any outstanding regulations regarding accessibility to ICT.
- Federal agencies should take aggressive steps to achieve and maintain compliance with Section 508 of the Rehabilitation Act.
- Congress should reauthorize the Individuals with Disabilities Education Act (IDEA) to provide greater access to assistive technology in all educational settings.
- Congress should identify and authorize federal units to develop and implement a funding stream to provide partial or full reimbursement for people with disabilities who rely on technology to enhance functional performance in education, employment, health, community living, and other settings.
- Congress should reauthorize the America COMPETES Act to include language that incentivizes agencies to incorporate a focus

on outcomes for, or partnerships with, people with disabilities into the judging criteria.

- Congress should make greater research and development (R&D) investments that promote accessible information and communication technology (ICT), assistive technology, and future innovations.
- Relevant federal agencies should issue regulations that support engaging people with disabilities in leisure and daily living activities.
- The Senate should provide its advice and consent to the President to support the ratification of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (MVT).

#### **Recommendations for the technology industry:**

- Apply Web Content Accessibility Guidelines (WCAG) 2.0 Level AA standards when designing websites and web-based software.
- Engage people with disabilities to participate in user experience research when developing new technology.
- Provide technology developers with ongoing professional development on accessible design.
- Expand training opportunities and information resources to educate

consumers on how to use access features to enhance the user experience with technology devices.

- Make greater investments in R&D of accessible technology.

**Recommendations for the private sector and local and state public sectors:**

- All sectors should establish and implement procurement criteria and procedures that ensure the acquisition of accessible technology.
- All sectors should ensure that technology used by job candidates and employees is accessible to people with disabilities.
- All sectors should access federally funded resources such as the Partnership on Employment and Accessible Technology (PEAT) and the Job Accommodations Network (JAN) for guidance on assistive and accessible technology in the workplace.
- Local education agencies and institutions of higher education should assess science,

technology, engineering, and mathematics (STEM) curricula to identify and correct accessibility barriers that would preclude participation among students with disabilities.

- Local education agencies and institutions of higher education should include learning standards related to accessible design in all STEM curricula.
- State health and human services agencies should provide support to the health care industry so that it can implement the final rules of the nondiscrimination requirements in health programs and activities reflected in Section 1557 of the Patient Protection and Affordable Care Act (ACA) and the U.S. Access Board standards for accessible medical diagnostic equipment.
- State health and human services agencies should incentivize insurers to increase coverage for additional habilitative and rehabilitative services and devices beyond those covered by the essential health benefits and the benchmark plan.

**Read the full report at [www.ncd.gov/progress\\_reports](http://www.ncd.gov/progress_reports).**