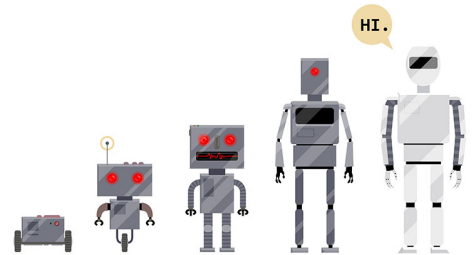




SCHOOL WEBSITES AND THE EVOLUTION OF ADA WEBSITE ACCESSIBILITY

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By now we've all heard of the [Americans with Disabilities Act](#) or the ADA. Interestingly, it was the by-product of the civil rights legislation passed during the 1960s. But with all the acronyms, sections, and titles, it can be a bit confusing for us lay folk.



How it came about

- First, there was the civil rights Act of 1964. It covered those receiving federal funds, employers, or places of public accommodation and prohibited discrimination on the basis of race, religion, and national origin (but not those with disabilities).
- Second, in 1968 the Fair Housing Act prohibited discrimination based on race, religion, national origin, and sex in the sale and rental of housing (but again, not those with disabilities).
- Next, in 1973 Section 504 of the Rehabilitation Act prohibited discrimination on the basis of disability but only in federal programs or those receiving federal financial assistance. It didn't protect those with disabilities from discrimination in many other employment situations or for public accommodations in the private sector.
- Then, in 1990 the ADA was passed by Congress and signed into law by President George H.W. Bush. Described as one of America's most comprehensive pieces of civil rights legislation, and is modeled after the Civil Rights Act of 1964.

- Finally, In 1998 Congress amended the Rehabilitation Act to require federal agencies to make their electronic and information technology (IT) accessible to people with disabilities. [Section 508](#) was enacted to eliminate barriers in IT. The goal was to provide disabled employees and members of the public access to information that is comparable to access available to others. This is the specific area of law that requires schools receiving federal funds to comply with ADA standards.

The ADA was established to guarantee that people with disabilities have access to services, goods, and public accommodations and have the same opportunities as everyone else to participate in the mainstream of America life.

To fall under the ADA's protection, one must have a disability. They define a [disability](#) as a physical or mental impairment that substantially limits one or more major life activities (or a person who is perceived by others as having such an impairment).

How did this all become a website compliance issue for your school website?

As with most laws, this one isn't simple or brief. The law's sections that apply to schools and accessibility (both physical facilities and websites) that concern us here are Title II and Title III. Both of these fall under Section 504 of the Rehabilitation Act of 1973.

Title II covers the regulations allowing the Department of Justice (DOJ) to implement the ADA for state and local governments or "public entities" as follows: "Public entities include any and all state or local government and any of its departments, agencies, or other instrumentalities whether or not they receive federal funding." That means that Title II applies to public schools and universities.

Title III is far less straightforward. It covers the regulations allowing the DOJ to implement the ADA for businesses and nonprofits that do not receive federal funding and are not providing state or local services to the public. The law states: "No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of

public accommodation by any private entity who owns, leases (or leases to), or operates a place of public accommodation.” Title III applies the following definitions:

- Public accommodations
- Commercial facilities
- Private entities that offer certain examinations and courses related to educational and occupational certification

When ADA was passed, the Internet was in its infancy. Now, with widespread use of online services, including online access to information, enrollment, procedures, and forms, it would be unfair to have barriers that would prohibit people with disabilities from accessing this same information due to a disability.

So, whether you are a public or private school that receives federal funds or a private or independent school that doesn’t receive public funds, determines which category your school falls under. While schools that receive federal funds fall squarely under the purview of Title II and Section 508, many courts now consider any school or business that provides services to the public to fall under Title III ADA requirements. While there is still no definite answer to the question of how the ADA applies to the Internet, it is very clear from the [number of lawsuits](#) in recent years that inaccessible websites may not want to risk remaining that way, even if they don’t specifically fall under Section 508.

The risks of non-compliance under Title II and Section 508

If your school or university receives public funds and does not maintain website accessibility standards as outlined by the Web Content Accessibility Guidelines (WCAG) 2.0 (and soon to be 2.1), a complaint can be filed against it with the Office of Civil Rights (OCR). OCR is a sub-agency of the U.S. Department of Education. It focuses on enforcing civil rights laws in schools. It will work with your school to assure your compliance. This can become expensive and time-consuming when factoring in attorney fees, technology fixes, staff training, document remediation, and audit costs. If a school fails to address the issues, the OCR can withhold federal funds.

The risks of non-compliance under Title III

If your school is private or a university, the penalties you face are in the form of lawsuits, as did [MIT and Harvard](#) in 2016. In the past few years, t several major lawsuits were filed against those not complying with the ADA in a variety of industries. In addition to avoiding the risk of costly litigation and some very bad PR, you will be providing access to those with disabilities. According to the U.S. Census Bureau, the percentage of Americans estimated to have some form of disability is as high as 19%, or around 56 million people. It just isn't smart to exclude this percentage of site visitors, and it's smart school customer service.

What are compliance standards?

Now that you understand how we got here and why you want to get your school website compliant, what does website compliance actually mean?

The goal is to have a school website that meets the standards specified by law, which are designed to allow anyone with disabilities to use assistive technology to navigate your school site. In addition to the guidelines set forth by Section 508, websites must also follow the Web Content Accessibility Guidelines (WCAG), which were developed by the World Wide Web Consortium (W3C). WCAG provides various techniques you can use to meet accessibility standards.

The current level of requirements is WCAG 2.0 AA. However, a recent update has been issued that will take this to WCAG 2.1 in the future, so you'll want to be aware of those changes when that goes into effect. As it stands now, we expect to see changes that apply to mobile and pointer accessibility as well as additional color contrast requirements.

You can see a summary of the WCAG 2.0 standards on WebAIMs handy [checklist](#) page (which we think is much easier to understand than the official [W3C guidelines page](#) that is a bit more tech talk than most people want to wade through), but feel free to take your pick. You will notice the following four **principles** that the standards fall into:

- **Perceivable:** this means that the information presented can't be invisible to all of their senses.

- **Operable:** this means that the interface (for our purposes, we're referring to the website) can't require an interaction that a user cannot perform.
- **Understandable:** this means that neither content nor the operation of the user interface (website design) can be beyond the user's understanding.
- **Robust:** this means that it should be designed in such a way that when technologies evolve, the content will remain accessible.

Additionally, there are 12 **guidelines**. These are the basic goals to strive for to make content more accessible. They provide a framework and objectives to understanding the success criteria.

Perceivable

- Guideline 1.1 Text alternatives: provide text alternatives for any non-text content.
- Guideline 1.2 Time-based media: provide alternatives for time-based media.
- Guideline 1.3 Adaptable: create content that can be presented in different ways without losing information or structure (for example, simpler layout).
- Guideline 1.4 Distinguishable: make it easier for the user to see and hear the content including separating foreground from background.

Operable

- 2.1 Keyboard accessible: make all functionality available from a keyboard.
- 2.2 Enough time: provide users enough time to read and use content.
- 2.3 Seizures: do not design content in a way that is known to cause seizures.
- 2.4 Navigable: provide ways to help users navigate, find content, and determine where they are.

Understandable

- 3.1 Readable: make text content readable and understandable.
- 3.2 Predictable: make web pages appear and operate in predictable ways.
- 3.3 Input assistance: help users avoid and correct mistakes.

Robust

- **Compatible:** maximize compatibility with current and future user agents, including assistive technologies.

The **success criteria** are where the meat of the process lies. These are the techniques you can use to ensure compliance. Your school website must meet these standards in order to comply to WCAG 2.0. Within these success criteria, there are three levels of conformance: A (lowest), AA, and AAA (highest). Schools are currently required to meet AA levels. Within the 12 guidelines, there are 39 areas of success criteria, just in the A and AA Levels. See the [checklist](#) to get an idea about specific solutions required for each level.

Finally, there are **sufficient and advisory techniques**, which describes techniques for the guidelines and success criteria mentioned above. They provide information for what constitutes meeting the criteria as well as those that are only advisory. The advisory techniques go beyond what is required and address accessibility barriers not covered by the testable success criteria.

What's next?

Website accessibility requirements are not going away. With the use of technology and online access to information and education, providing access to everyone is a necessity in all fields. And, it is important that we provide access, regardless of disability, simply for the fact that it is good customer service. Even if it weren't the law, no right thinking business (or school) would construct barriers to keep out customers. We've not spoken to a single school, public or private, that doesn't wish to comply. The challenge comes when trying to make the desire a reality. It can be a costly and time-consuming process.

For the past few years, individuals have filed complaints against schools and colleges at a rate of hundreds per month. The Office of Civil Rights is overwhelmed with handling these complaints promptly, and budget cuts are on the horizon. Schools are scrambling to get their websites compliant and then struggling to keep them that way. While we have done things this way for decades, times have changed. But like all progress, improvements will happen, albeit slowly.

What are schools with tight budgets to do? As webmaster for many hundreds of schools, here is what we recommend:

1. Don't wait to receive a complaint before addressing the accessibility of your school's website. This will increase the expense and stress and is bad for public relations. Who needs any of that?
2. If you have a website you love, that you manage in-house and that is built on recent technology, contact your vendor to get training for your staff so all future updates are ADA compliant.
3. Get training for your staff so that anyone creating documents as website attachments creates them compliantly. All PDFs and other attachments must also be compliant. Need [affordable online document training](#)? We can help!
4. Run a free [online website accessibility test](#) to see where the obvious barriers lie. This will only give you some ideas; you'll need to conduct manual tests as well.
5. Make a plan. You'll find some step-by-step recommendations on [how to have an ADA compliant school website](#).
6. Or, if you'd rather hit the easy button for any of these steps, we hope you'll give School Webmasters a call. It's what we do. We do [ADA website audits](#) and [accessible website design and management](#), and then we keep it compliant for you day in and out. All for less than you can do it for yourself. Now THAT is an easy button!

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