

# Accessible Instruction – Websites and Course Materials in the Digital Age

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Olabisi L. Okubadejo  
okubadejoo@ballardspahr.com  
410.528.5532

Daniel V. Johns  
johns@ballardspahr.com  
215.864.8107



# Overview

- What is the issue?
- What are some barriers to accessibility?
- Does my institution need to do anything to address this?
- Can my institution wait to act until a student with a disability enrolls in a particular class?

# The Legal Landscape – Requirements under Section 504 and the ADA



# Title III

- This presentation reviews requirements under Section 504 and settlements under Title II of the ADA.
- Institutions that have obligations as public accommodations under Title III of the ADA may use the principles discussed today as guidance in complying with their obligations under Title III.
- The DOJ has indicated in its advance notice of proposed rulemaking that it intends to revise the implementing regulations for both titles II and III to address the accessibility of websites.

# The Legal Landscape

- The government has interpreted Section 504 and the ADA to require that students with disabilities access the educational opportunities and benefits of technology:
  - With **substantially equivalent ease of use** as students without disabilities
  - In an **equally effective** and **equally integrated** manner.

# The Legal Landscape

- *Dear Colleague Letters* and FAQs from OCR explain that for inaccessible technology, educational institutions should conduct a three-pronged inquiry to ensure compliance, asking the following questions:

# The Legal Landscape


- Are all the educational opportunities and benefits available through the use of the technology equally available to students with disabilities through the use of accommodations?
- Are the educational opportunities and benefits provided to students with disabilities in as timely a manner as those provided to students without disabilities?
- Will it be more difficult for students with disabilities to obtain the educational opportunities and benefits than it is for students without disabilities?

Recent Settlements – Louisiana Tech  
University (DOJ) and the South Carolina  
Technical College System (OCR)





# Louisiana Tech Settlement

- The DOJ found that the Louisiana Tech University violated the ADA through its use of an online learning product that was inaccessible to a blind student.
  - The product was required for participation in a course, including for the administration of tests and homework, and was accessible to other students 24 hours a day.
  - The student complained to the professor and university staff and ultimately withdrew from the course.
  - The settlement agreement is 19 pages long and provides for individual relief for the student, including financial compensation.
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# Louisiana Tech Settlement

- The university committed to only “purchase, develop or use technology and instructional materials that do not exclude” students who are blind or have low vision.
- It also committed to give these students an “equal opportunity to access, use, and avail themselves of such technology or instructional materials in as full, equal, and independent a manner” as students without disabilities.


# Louisiana Tech Settlement

- The agreement requires that the university conduct an audit of the accessibility of its technology, including websites, instructional materials, online courses, and other electronic and information technology to ensure accessibility.

# Louisiana Tech Settlement

- Websites: to be brought up to the Web Content Accessibility Guidelines 2.0 level AA standard; different standards articulated for new, pre-existing, and archived web pages.
- Instructional materials: must be fully accessible and made available at the same time as available to other students.
- Other technology: must be accessible if commercially available and not an undue burden or fundamental alteration.

# Louisiana Tech University

- Review of technology contracts: commitment to require assurances of AA compliance.
  - Role of disability services office: must work with students and faculty to address concerns.
  - Policies and procedures: must adopt and publish policies regarding accessible technology and course content.
  - Training: must train professors, teaching assistants, university administrators, and students.
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# SC Technical College System

- OCR initiated a proactive review of the SC Technical College system in which it looked at websites, email systems, course management systems, student information systems, and the library.
- The review sampled some of the system's websites and found areas of noncompliance. The system is required to make individual schools accessible.
- Other reviews are ongoing at both the k-12 and postsecondary levels.

# Practical Implications for Colleges and Universities



# Websites

- Work with web developers to determine whether your institutions websites conform with Level AA guidelines.

Are websites:

- Perceivable?
- Operable?
- Understandable?
- Robust?



# Create a plan for ensuring accessibility

- Identify relevant IT staff and necessary administrators to develop a team that understands the technology and legal issues.
- Determine how to handle future updates to websites; develop a timeline for making accessible existing web pages; create a plan to ensure access to archived pages.
- Put together a process for ensuring the accessibility of course materials.
- Develop a process to ensure that technology acquired in the future is accessible.


# Audit and revise policies and procedures

- Ensure that there are written policies with regard to the accessibility of websites, course materials and technology.
- Ensure that there is a 504/ADA compliant grievance procedure that covers complaints about the accessibility of materials and technology.

# Train relevant constituents

- Faculty and staff: ensure that they understand legal obligations and the institution's process for obtaining accommodations; consider specific training for web developers on accessibility; ensure that they understand accessible formats.
- Students: make sure that they understand their responsibilities and how to raise concerns.

# In a nutshell...

- Accessibility is not optional and the consequences of inaccessibility, beyond exclusion of individual students with disabilities, could be public and financial.
  - Institutions should immediately audit the accessibility of digital materials, including websites and develop policies and procedures to ensure current and continuing accessibility.
  - Websites should be brought up to the AA standard.
  - Accessible materials should be shared in a timely manner.
  - Technology should be accessible; if that is not feasible, equally effective alternate access must be provided.
  - Contracts related to the acquisition of technology must be reviewed carefully for appropriate assurances about the accessibility of products.
  - Key constituents must be trained.
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Questions?



Olabisi “Bisi” Ladeji Okubadejo  
okubadejoo@ballardspahr.com  
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johns@ballardspahr.com  
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