The Legislation as Applied to You

Preparing for the ADA Compliance Deadline

Quick Acknowledgement

- This may be overwhelming.

- You may not know where to start (so you haven't).

- You're not alone.

- This will not happen overnight.

Goal: Equip you with knowledge & skills to empower you to move forward

Objectives

- Define and redefine accessibility & practice

- Explore what Title II updates mean for faculty

- Make a plan to build accessible design practices into workflow over time

Defining & Redefining Accessible Design

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"Accessibility" Defined

Ensuring **everyone**, including **people with disabilities**, can **receive**, **understand**, and **act upon** information and services **as easily as everyone else**.

Accessibility abbreviation = A11y

"Accessibility" Defined by OCR

THE WHAT

A person with a disability should have the opportunity to:

- Acquire the **same information**
- Engage in the **same interactions**
- Enjoy the **same services**

...as a person without a disability

THE HOW

This should happen:

- In an **equally effective** manner
- In an **equally integrated** manner
- With **substantially equivalent ease of use**.

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Common A11y Practices

- Added at the end
- Remediated when needed
- One person's job
- Compliance-focused

This leads to:

- Unequal learning opportunities
- Othering
- Inefficiencies
- Unsustainability

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A11y Practice Reset

Accessibility is & should be:

- A foundational practice

- Built into all processes, procedures

- Everyone's responsibility

- The "norm"

This leads to:

- Equal learning opportunities

- Efficiency

- Sustainability

- Retention [1]

1) Newman, L. A., Madaus, J. W., Lalor, A. R., & Javitz, H. S. (2021). Effect of accessing supports on higher education persistence of students with disabilities. *Journal of Diversity in Higher Education, 14*(3), 353–363. https://doi.org/10.1037/dhe0000170

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Ruling Summary

Technical standards were established "for **making accessible the services, programs, and activities** offered by State and local government entities to the public **through the web and mobile applications** ('apps')."

Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities, 28 CFR Part 35 (2024). "Summary," https://www.federalregister.gov/d/2024-07758/p-3.

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What does this include?

In a (very tiny) nutshell...

(Almost) Anything digital

"Web Content" Defined

- Digital content in digital environments

Viewed On

Desktop computers, laptops, smartphones, or elsewhere [1]

Communicated Via

web browsers, media players, plug-ins, & other programs...that help in retrieving, rendering, and interacting with web content [2]

Examples

Text, images, sounds, videos, controls, animations, and conventional electronic documents [1]

1) 28 CFR Part 35 (2024). "Web Content," para. 1. https://www.federalregister.gov/d/2024-07758/p-294
2) 28 CFR Part 35 (2024). "Part 35—SubpartA—General, para. 15. https://www.federalregister.gov/d/2024-07758/p-217

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"Conventional Electronic Documents" Defined

File Format Type	Example
Portable document formats (PDFs)	Adobe PDF files
Word processor	Microsoft Word files
Presentation	Apple Keynote, Microsoft PowerPoint files
Spreadsheet	Microsoft Excel files

28 CFR Part 35 (2024). Appendix D to Part 35, Subpart A—General, "Conventional Electronic Documents," para. 1.
https://www.federalregister.gov/d/2024-07758/p-263

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What does this NOT include?

- There are 5 Exceptions, each with qualifying criteria
- Still need to provide equal/equivalent materials on case-by-case basis
- Best practice: If you're requiring its use or it contains necessary info for users, provide accessible version!

See "Summary of the Exceptions" section on ADA.gov's *Fact Sheet* (2024)

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Exceptions to Title II Ruling

1. Archived web content from before compliance date
2. Preexisting conventional electronic documents
3. Non-contractual 3rd party content
4. Individualized, password-protected documents
5. Preexisting social media posts

Exception #1: Archived Web Content

Criteria

- Content created before compliance date or reproduces physical media created before compliance date **AND**

- Used only for reference, research, recordkeeping **AND**

- Kept in special archival area **AND**

- Hasn't changed since archived

See "Summary of the Exceptions" section on ADA.gov's *Fact Sheet* (2024)

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Exception #2: Pre-existing Conventional Electronic Documents

Criteria

- Documents are word processing, presentation, PDF, or spreadsheet files **AND**

- Were available before the compliance date

If doc is updated after compliance date, exception does not apply

See "Summary of the Exceptions" section on ADA.gov's *Fact Sheet* (2024)

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Exception #3: Non-Contractual 3rd Party Content

Criteria

- Content posted by 3rd parties who are NOT posting due to contractual, licensing, or other arrangements with a public entity

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Exception #4: Individualized, Password-Protected Documents

Criteria

- Docs are word processing, presentation, PDF, or spreadsheet files, **AND**

- Are about a specific person, property, or account, **AND**

- Are password-protected or otherwise secured

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Exception #5: Preexisting Social Media Posts

Criteria

- Social media posts must have been made/posted before compliance date

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What Does This Mean for Me?

Accommodation vs. A11y

ACCOMMODATION

- Documented disability

- Accessibility office documents approved adjustments

- Specific to only that student

- Instructors notified & must provide the accommodation(s)

A11Y

- Foundational to everything

- Universally designed

- Everyone is responsible for it!

Typical Institutional Web Content

- Websites
- Digital records
- Electronic documents (PDF, Word, PPT, etc.)
- Content management systems (CMS)
- Emails
- Zoom meetings

- Images
- Videos
- Audio clips
- Digital signage
- Kiosks/wayfinding

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Typical Teaching & Learning Web Content

- LMS content, e.g.,
  - Text
  - Electronic Documents
  - Videos
  - Sound bites
  - Images
  - Animations
  - Interactions

- Assignments / assessments
- Linked, licensed resources (e.g., articles, e-Books)
- Emails/messages with students
- Third-party apps
- Online synchronous sessions
- Digital whiteboard

Small chunks

+

time

=

Sustainable a11y knowledge & skills

But HOW?! There's too much to learn!

When to learn this:

- Start **NOW** or **KEEP GOING**!

- Accessible design practices should be part of your **daily** work

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How to Approach A11y: Institutional Leaders

- Consult a11y experts
- Train procurement staff **immediately**
- Update existing vendor contracts
- Include a11y in new contracts **NOW**
- Investigate/implement a11y change management plan
- Funding for training, developing processes/documentation
- Document document document
- Allow for time/space/grace!
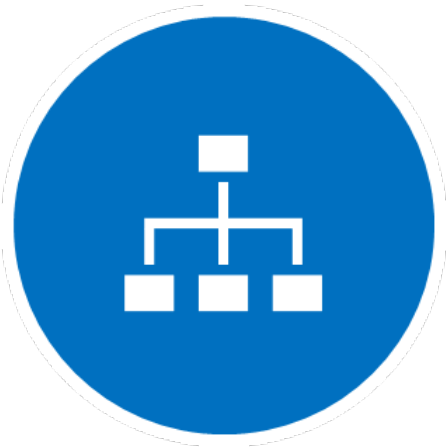- Most important—Have an active plan in place

How to Approach A11y: Individual Practitioners

- If available, consult experts
- One project/task at a time
- Document document document
- Use built-in checkers
- Allow for time/space/grace!

- To learn specific skills:
  - Google (software/task + "accessibility")
  - Free/paid webinars, tutorials, training
  - Talk to colleagues
  - Join A11y listservs

Conforming Alternate Versions & Undue Burden

- **Conforming alternate versions**: A separate version of web content that is accessible, up to date, contains the same information and functionality as the inaccessible web content, and can be reached in particular ways, such as through a conforming page or an accessibility-supported mechanism" (D. Overview of Key Provisions, para. 6).

  - Limited technical or legal circumstance

- **Undue Burden:** "A fundamental alteration in the nature of a service, program, or activity of the public entity or in undue financial and administrative burdens." (D. Overview of Key Provisions, para. 8).

  - **Last resort!**

Use the Four Core Skills for Digital A11y

Use good
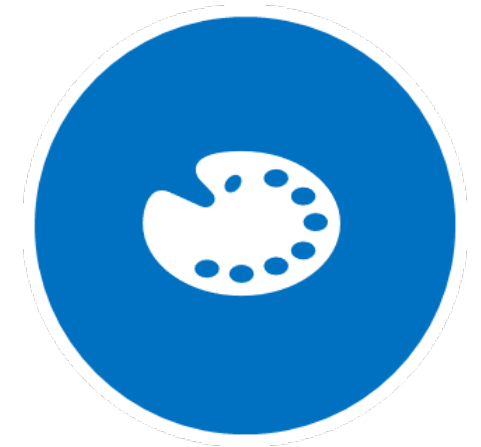structure

Create
equivalent
experiences

Make
content
readable

Use color
carefully

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A11y Practices: Text & Conventional Electronic Documents

- Found in LMSs, CMSs, digital records, teaching materials, emails/messaging, digital signage, kiosks/wayfinding, etc.

Key points:

- Structure: Use programmatic headings & good organization
- Readability:
  - Use plain language
  - Simple fonts; 12 pt. min for docs & 28 pt. min for digital whiteboard presentations
  - Left text alignment
- Appropriate color contrast
  - Use WebAIM's Contrast Checker

A11y Practices: Video & Audio

- Can be linked/added to websites, CMSs, LMS modules, teaching materials, digital signage, kiosks/wayfinding, Zoom, etc.

Key points:

- Video: Closed captions on video; transcripts if possible; use descriptive language to describe what's on screen when it's important

- Audio: Transcripts of audio, or closed captions if applicable

- Live video/audio: Use automated transcriptions

Tips:

- Use built in auto-transcriptions

- Edit closed captions/transcriptions before posting

A11y Practices: Images

Key points:

- Alternative text:
  - IF image conveys important information, otherwise mark as decorative
  - Add concise description (1–3 sentences max) focused on conveying the **goal/purpose of the image within its context**
  - WebAIM: Alternative Text
  - W3C: Complex Images

- Appropriate color contrast
  - Use WebAIM's Contrast Checker

Questions?

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Resources, page 1

- Learning About Title II Updates
  - [ADA Title II Update–Final Rule](#)
  - Oklahoma ABLE Tech: [Understanding the New ADA Title II Rule](#)
  - [Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments](#)

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Resources, page 2

- Accessibility Listservs
  - [A11y Weekly](#)
  - [WebAIM Newsletter](#)
  - [EDUCAUSE IT Accessibility Community Group](#) (for institutional EDUCAUSE subscribers)

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Resources, page 3

- Learning Resources
    - Oklahoma ABLE Tech self-paced courses
    - Oklahoma ABLE Tech Digital Accessibility home page
    - Quality Matters' Accessibility & Usability Resource Site (free registration)
    - Office for Civil Rights (OCR) Video Series presented by the ADA National Network
    - WebAIM - Training, Articles, and more
    - CAST's Designing for Accessibility

Resources, page 4

- A11y Change Management/Maturity Models
  - The World Wide Web Consortium's (W3C) [Accessibility Maturity Model](#)
  - [The WebAIM Strategic Accessibility Framework](#)
  - [Higher and Further Education (HE/FE) Accessibility Maturity Model](#)
  - California Community Colleges [Accessibility Capability Maturity Model (ACMM)](#)
  - [The Business Disability Forum's Accessibility Maturity Model](#)

Note: For a longer list of a11y maturity models, see section 4 of the research article, *[How to measure the accessibility maturity of organizations—A survey on accessibility maturity models for higher education](#)*

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Resources, page 5

- Resources mentioned on presentation slides
  - [WebAIM: Alternative Text](#)
  - [W3C: Complex Images](#)
  - [WebAIM's Contrast Checker](#)

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Resources, page 6

- [ADA Information Line](#)
  - Accessibility specialists are available to answer questions from individuals, businesses, and state/local governments. All calls are confidential.

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