

Alerts & Articles

Website Accessibility and the Americans with Disabilities Act: How OCR's Website Technical Assistance Initiative Can Help Public Institutions Ensure Their Online Programs Provide Equal Access

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The Americans with Disabilities Act ("ADA") is a federal law that prohibits discrimination based on disability by local government agencies, including school districts, cities, and counties. Thus, ADA requires institutions to ensure all people, including people with disabilities, have equal access to their programs, activities, and services. Although ADA does not explicitly address the internet, the entities charged with enforcing ADA, as well as recent cases, establish that agencies must ensure their websites and online programs can be fully accessed by persons with disabilities. Thus, local government agencies often find themselves in the difficult position of trying to comply with this general requirement of equal accessibility without detailed rules or guidelines establishing how to specifically comply. This uncertainty has led to an influx of complaints and legal actions regarding online program accessibility.

In an effort to assist institutions in meeting the website accessibility requirements and establish the specific issues that should be addressed to provide equal access, the Office for Civil Rights ("OCR") recently launched a program, known as the Website Accessibility Technical Assistance Initiative (the "Initiative"), to assist with online compliance. Although OCR enforces ADA compliance with respect to educational institutions, other State agencies can use the advice provided through the Initiative to meet the requirements of ADA.

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Currently the Initiative consists of a series of webinars in which experts discuss some of the main issues that lead to accessibility issues. ADA generally requires institutions to address any disability that could affect a person's ability to access online information, including vision, hearing, motor, or cognitive functioning disabilities. The Initiative discusses how this general requirement plays out in the real world by highlighting typical issues that arise and providing practical tips. The advice provided by the Initiative can be summarized into four steps.

Step 1: Automated Review

First, the Initiative suggests that institutions perform an audit of their website content and online program to proactively identify any accessibility issues. To accomplish this, the Initiative suggests using an automated website audit tool which can assess individual online sites and identify specific information that may not be available to individuals with various disabilities. The Initiative specifically identified "WebAIM" as a well-known nonprofit organization offering a downloadable program to assess the accessibility of online sites.

Step 2: Manual Review

While automated assessment tools provide a good start, institutions are also encouraged to manually review their webpages and online programs to identify potential accessibility issues. During these reviews, institutions should consider the specific disabilities that may affect a person's ability to obtain information. For example, people with visual disabilities usually use screen reader software, which orally repeats text on a screen. However, these screen readers may not pick up pictures or certain types of text. Some files, such as certain pdf files, may appear as text but are actually embedded pictures that may not be interpreted by the screen reader. If videos are included on a website, institutions must make sure the video can be identified, played, and read for those with visual impairments.

Although visual disabilities tend to receive the most attention, institutions must also consider other disabilities that may affect a person's ability to navigate and access information, such as mobility disabilities that may affect a person's ability to use a mouse or require the use of special assistance technology, such as eye movement



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trackers. Videos also must be assessed to address various other disabilities such as seizure disorders that can be triggered by certain flashing rates.

Step 3: Navigation Issues

Beyond receiving online information, persons with disabilities must be able to navigate through the website. Thus, institutions should also review the processes used by their online programs to guide users through information. Specifically, the Initiative warns that drop down menus and submenus may be difficult for persons with disabilities to use, even with assistance software. Many websites use highlights and color-coding to navigate through information and are therefore susceptible to access issues. Online programs that require the user to enter a password or code to access a sub-site or program must also provide an access mechanism for individuals who may not be able to see the password or locate the entry blank. Specifically, websites often require users to reprint a series of letters before accessing certain content to prevent automated programs from accessing a site. Institutions also often fail to address accessibility issues with outside sites that are linked to the institution's website. For these outside websites, institutions must either make sure they are accessible for people with disabilities or provide the information included on these websites through another method.

Step 4: Community Feedback

Finally, the Initiative recommends that institutions reach out to typical users of their sites, including those with disabilities, to discuss and identify specific accessibility issues. School districts should coordinate with their individual teachers to ensure any information provided on their classroom websites is fully accessible and talk to students with disabilities to address any accessibility concerns. This outreach cannot be limited to people who typically use an institution's website, such as teachers and employees, but should include efforts to discuss these issues with the general public who may often access their websites. For example, cities can include a link on their website to allow the general public to communicate accessibility concerns.

Because ADA and related laws do not provide specific guidelines or directives regarding internet accessibility, it is often difficult for institutions to ensure their websites and online programs are fully accessible to individuals with disabilities. The Initiative is part of a general effort by the federal government to proactively work with agencies to ensure websites and online programs provide equal access. Instead of addressing online accessibility after receiving a specific complaint, the Initiative encourages institutions to assess and adjust their online programs immediately to avoid legal action. While it may be impossible to completely eliminate all potential issues, institutions can take the proactive steps discussed in the Initiative to meet the overall goal and purpose of ADA, which is to provide equal and open access to online content to everyone, including those with disabilities.

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