ADA Best Practices – Website Accessibility

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Course Objectives

In this session, we will generally:

• Describe the ADA/504 requirements for State and local governments;
• Identify State and LPA (including MPOs) requirements for self-evaluations and transition plans;
• Describe some accessibility basics that everyone should be cognizant of;
• Describe the general requirements of an electronic communications or 508 policy;
• Identify Best Practices for ensuring website accessibility.
Question 1

According to the 2010 Census, what percent of the U.S. population over the age of 15 has a disability?
Answer Question 1

• 21 percent (or approximately 52 million) of the U.S. population over the age of 15 has a disability (2010 Census)
• 7.5 million Americans have hearing disabilities (2010 Census)
Question 2

How many Americans would you guess have vision disabilities?
Answer Question 2

• 8 million Americans have vision disability (2010 Census)
• Visual disability can range from total blindness to low vision.
• The National Council on Disabilities estimates that 70 percent of our country’s population will eventually have a temporary or permanent disability that makes climbing stairs impossible.
Legal Background

• Rehabilitation Act (1973) – Section 504 (49 CFR Part 27)
• Americans with Disabilities Act (ADA) (1990)
Title II – State and Local Governments

Basic Requirements:

• Must ensure that individuals with disabilities are not excluded from programs, services, and activities (electronic communications is an example of a program)
Title II – State and Local Governments

Basic Requirements:

• Designate an ADA Coordinator
• Development & postings of an ADA Policy Statement
• Development & postings of Grievance Procedures/Complaint Procedures
• Complete a self-evaluation
• Development of a Transition Plan
Accessibility Basics:

How can my organization not only have an electronic communications policy that is ADA/504 compliant, but also considers the needs for individuals with different kinds of disabilities?

Does your electronic platform/website consider all disabilities when making electronic information available to people with disabilities?
Disabilities to Consider When Creating Content

- **Vision**
  - Low
  - No vision

- **Hearing**
  - Low
  - No hearing

- **Mobility**
  - Immobile
  - Lack of fine motor skills

- **Cognitive**
  - Memory
  - Comprehension
  - Attention

- **Seizure**
Functional Performance Criteria

You need to provide at least one mode of operation and information retrieval that does not require

- user vision
- visual acuity greater than 20/70
- user hearing
- in an enhanced auditory fashion, or support for assistive hearing devices (where audio applies)
- user speech
- fine motor control or simultaneous actions and that is operable with limited reach and strength
Vision

- Descriptions for images. Null for decorative images
- Appropriate language
- Can skip repetitive links (navigation) to go to content
- Links and only links are underlined
- Color does not convey information
- Meets minimum color contrast
- Content is resizable to 200% without losing function or meaning
- No images of text
- Directions do not rely on sensory information (blue button to the bottom left)
Accessibility Considerations for Websites

Text on a background passes minimum color contrast
https://webaim.org/resources/contrastchecker/
Vision Disabilities

Images, such as a photograph, drawing, diagram, etc., are used to provide visual flair or to convey important information.

Challenges disabled users face with images are:

- Missing text descriptions for blind users
- Difficult to see due to bad color contrast

Examples:

Decorative Images:
- Bullet
- Spacer
- Snowman
- Piggy Bank

Meaningful Images:
- Link 2
- Link 3
Hearing

• Synchronized captions for videos
• Transcripts for audio only files
• Descriptions of non-auditory video content
Mobility

- Can navigate to all content without using a mouse (tab through or keyboard)
- The tabs are in logical order
- Nothing traps a user and prevents moving on using only the keyboard
Cognitive

- Adjustable timing (non-live events like an auction)
- Moving, blinking, or scrolling content that last for more than 5 seconds can be stopped
- Error identification, suggestion, and prevention
- Readable fonts
Seizure Disorder

- No content flashes more than 3 times per second
All

• Properly structured, proper mark up
  – Includes forms and tables
• Content is in logical
• Unique title
• Consistent Navigation
• Don’t automatically update content
Communications Policy

Applicability of Sections 508 & 504 of the Rehabilitation Act, and Title II of the Americans with Disabilities Act- Overview

WASHTO Civil Rights Symposium
Austin, Texas, 2019
Section 508 Laws - Background

• Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. ‘794 d)
• In 1998, Congress required Federal agencies to make their electronic and information technology (EIT) accessible to people with disabilities
• Section 508 was enacted to eliminate barriers in information technology, open new opportunities for people with disabilities, and encourage development of technologies that will help achieve these goals
Does Section 508 apply to a state or local government?

- Section 508 addresses the obligations of Federal agencies. However, many state or local governments have adopted some or all of the §508 standards or other standards.

- To determine whether your specific state or local governmental agency must comply with §508 or other accessibility standards, we suggest that you check your respective websites to see if there is a policy statement regarding accessibility, or ask your organization's attorney.
Content Accessibility

• All Public-Facing Material
• Agency Official Communication
  – An emergency notification
  – An initial or final decision adjudicating and administrative claim or proceeding
  – An internal or external program or policy announcement
  – A notice of benefits, program eligibility, employment opportunity or personnel action
  – A formal acknowledgement of receipt
  – A survey questionnaire
  – A template or form
  – Educational or training materials, or
  – Intranet content designed as a Web page
Title II of the Americans with Disabilities Act (ADA)

28 CFR 35.160 - NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES Subpart E—Communications

General.

(a)(1) A public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.
Discrimination prohibited.

(c) Communications. Recipients shall take appropriate steps to ensure that communications with their applicants, employees, and beneficiaries are available to persons with impaired vision and hearing.
Conclusion

- **Section 508** - requires *Federal agencies* to make their information and communication technology (ICT) accessible to people with disabilities. Could be adopted by a State or LPA as their legal requirement.

- **Title II of the ADA** – requires all *public entities* to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.

- **Section 504** – requires all *recipients* to take appropriate steps to ensure that communications with their applicants, employees, and beneficiaries are available to persons with impaired vision and hearing.
Start Early
The Good, the Bad and the Ugly:

Examples of Good and Bad Practices for Website Accessibility