TOP TEN LIST OF FREQUENTLY ASKED QUESTIONS:
SECTION 508 AND CSU CIOs

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10. What is Section 508, its relationship to the Assistive Technology Act, and what are the legal implications for university IT managers? Is there a primer or whitepaper for getting up to speed on the full range of ADA issues for IT managers in higher education?

On December 21, 2000, the Access Board, an independent federal agency, issued final accessibility standards for electronic and information technology under Section 508 of the Rehabilitation Act as amended in 1998. The standards require that electronic and information technology developed, procured, maintained or used by the federal government be accessible to people with disabilities. The regulations, which take effect June 21, 2001, also apply to federal web sites and purchases of electronic equipment, including computers, software and photocopiers.

According to the Department of Education, states that receive funds under the Assistive Technology Act State Grant Program are also required to comply with Section 508 and the Board’s standards. California receives funds under the Assistive Technology Act, and the California State University is a recipient of funds made available to the state through that act; therefore, CSU campuses are required to comply with Section 508 standards by ensuring that electronic and information technology is accessible to individuals with disabilities. The Department of Education is planning to issue guidelines on how the standards apply to educational institutions under the Assistive Technology Act. However, in a recent email response to a CSU campus inquiry, Doug Wakefield of the Access Board stated that even if Section 508 is applied to state entities, it only applies to new developments after the June 21, 2001 deadline. As far as web sites are concerned, he indicated that there is no requirement to retrofit existing pages but only make them compliant as pages are updated or added.

Perhaps the best introduction to issues surrounding Section 508 is “The Growing Digital Divide in Access for People with Disabilities: Overcoming Barriers to Participation in the Digital Economy” by Cynthia Waddell. This paper cites 102 references and summarizes the legal challenges and technical procedures for addressing electronic accessibility among the disabled.

- The Growing Digital Divide in Access for People with Disabilities: Overcoming Barriers to Participation in the Digital Economy
  [http://www.icdri.org/the_digital_divide.htm](http://www.icdri.org/the_digital_divide.htm)

- An Overview of Law and Policy for IT Accessibility: A Resource for State and Local IT Policy Makers

- Oregon State University Section 508 and Assistive Technology Act Briefing Sheet
  [http://TAP.orst.edu/Policy/508brief.htm](http://TAP.orst.edu/Policy/508brief.htm)

- Access Board Questions & Answers about Section 508 of the Rehabilitation Act of 1998
  [http://www.access-board.gov/sec508/faq.htm](http://www.access-board.gov/sec508/faq.htm)

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The Assistive Technology Act of 1998 (Public Law 105-394)  

Federal IT Accessibility Initiative  
http://www.section508.gov

Technology-Based Assistance for Individuals with Disabilities Act of 1988  
http://www.resna.org/tapproject/library/laws/techact88.htm

Technology-Based Assistance for Individuals with Disabilities Act of 1988 as Amended in 1994  
http://www.resna.org/tapproject/library/laws/techact94.htm

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9. What are the Section 508 standards and criteria for accessible technology?

The federal Access Board is the authoritative source for Section 508 accessibility standards. The WebAIM organization at Utah State University has done an excellent job of relating those standards to institutions of higher education.

The standards themselves define the types of technology covered and set forth provisions that establish a minimum level of accessibility. The application section (1194.2) outlines the scope and coverage of the standards. The standards cover the full range of electronic and information technologies, including those used for communication, duplication, computing, storage, presentation, control, transport and production. This includes computers, software, networks, peripherals and other types of electronic office equipment. The standards define electronic and information technology, in part, as "any equipment or interconnected system or subsystem of equipment, that is used in the creation, conversion, or duplication of data or information."

The standards provide criteria specific to various types of technologies, including:

- software applications and operating systems
- web-based information or applications
- telecommunication products
- video and multimedia products
- self contained, closed products (e.g., information kiosks, calculators, and fax machines)
- desktop and portable computers

The standards also provide technical specifications and performance-based requirements that focus on the functional capabilities of covered technologies. The performance requirements are intended for overall product evaluation and for technologies or components for which there is no specific requirement under the technical standards. They cover operation, including input and control functions, operation of mechanical mechanisms, and access to visual and audible information.

Finally, the standards address access to all information, documentation, and support provided to end users of covered technologies. This includes user guides, installation guides for end-user installable devices, and customer support and technical support communications.

U.S. Department of Education, Office of Special Education and Rehabilitative Services, Letters of June 30, 1999 and April 21, 2000, and Questions and Answers about Section 508. (Hardcopy only)

Access Board Standards for Electronic and Information Technology: An Overview  
http://www.access-board.gov/sec508/summary.htm

Access Board Final Standards for Electronic and Information Technology  
WebAIM Guidelines for Higher Education Institutions for Web Accessibility and Universality
http://www.webaim.org/standards

8. Are there existing or past court cases, or federal letters and guidelines, of relevance? Do any involve higher education or CSU campuses?

The case law is ongoing. There are no definitive judgments that apply to higher education. The Department of Education Office of Civil Rights (OCR) has jurisdiction over complaints filed on campuses. The courts have held that a public entity violates its obligations under the Americans with Disabilities Act when it simply responds to individual requests for accommodation on an ad-hoc basis. A public entity has an affirmative duty to establish a comprehensive policy in compliance with Title II in advance of any request for auxiliary aids or services [see Tyler v. City of Manhattan, 857 F. Supp. 800 (D. Kan. 1994)]. A recognized good practice in establishing such a comprehensive policy is to consult with the disability community, especially those members most likely to request accommodations. In another case, Board of Trustees of the University of Alabama et al. v. Garrett et al., courts have held that plaintiffs can sue for injunctive relief but not punitive damages in general ADA matters. In February 2001, the US Supreme Court held that state employees could not sue the state under federal ADA law (Title I), although they still could sue under applicable state laws. The California Community Colleges have been involved in a major ADA case since 1996 revolving around distance education, and at least three CSU campuses have received letters of complaint from the OCR in recent years (Long Beach, Los Angeles, and San Jose).

Technology Access and the Law (Oregon State University)
http://TAP.orst.edu/Policy/techlaw.html

Department of Justice Section 508 Homepage

The Access Board
http://www.access-board.gov/

List of Applicable Laws
http://www.resna.org/taproject/library/inforesources.html

Department of Education-Office of Civil Rights Division Complaint Letters to the CSU and Community Colleges
http://www.rit.edu/~easi/law/lbeach.htm
http://www.rit.edu/~easi/law/csula.htm
http://www.rit.edu/~easi/law/sjsu.htm
http://www.rit.edu/~easi/law/sjsu2.htm

Section 508 Audit
http://www.508audit.com

Board of Trustees of the University of Alabama et al. v. Garrett et al.

7. What are some examples of 508 policy statements, implementation plans, and how-to’s for institutions of higher education? Are there 508 Web accessibility checklists and guidelines?

There are several examples of accessibility policies in higher education, including some from CSU campuses (Fresno, San Marcos, and San Jose). Implementation plans are more difficult to find.
However, there is no shortage of 508-related checklists and guidelines for developing such plans for hardware, software, and the Web (e.g., those from the W3C and Oregon State University).

Policy Statements
- CSU Fresno Web Accessibility Planning
  [http://www.csufresno.edu/webaccess](http://www.csufresno.edu/webaccess)
- CSU San Marcos Accessibility Statement
  [http://www.csusm.edu/accessibility](http://www.csusm.edu/accessibility)
- Yale University Library’s Library Services for People with Disabilities Services Policy Statement and Web Accessibility Guidelines
  [http://www.library.yale.edu/Administration/SQIC/SPD1.html](http://www.library.yale.edu/Administration/SQIC/SPD1.html)
- MIT’s Web Accessibility Policy
  [http://web.mit.edu/ada/waccess.html](http://web.mit.edu/ada/waccess.html)
- San Jose State University World Wide Web Policies and Guidelines
  [http://www.sjsu.edu/pubs/webpolicy](http://www.sjsu.edu/pubs/webpolicy)
- California Community College Policy
  [http://www.htctu.fhda.edu/dlguidelines/final%20dl%20guidelines.htm](http://www.htctu.fhda.edu/dlguidelines/final%20dl%20guidelines.htm)
- University of Wisconsin-Madison Policy Governing World Wide Web Accessibility

Checklists
- Department of Justice Software and OS Accessibility Checklist (Hardcopy Only)
- WebAIM Section 508 Web Accessibility Checklist for HTML (Hardcopy Only)
- WebAIM
- Section 508 Summary Table
  [http://www.icdri.org/section_508_summary_table.htm](http://www.icdri.org/section_508_summary_table.htm)
- University of Washington Do-IT: Accessible Web Page Design Resources
  [http://www.washington.edu/doit/resources/web-design.html](http://www.washington.edu/doit/resources/web-design.html)

Guidelines
- Department of Education Requirements for Accessible for Electronic and Information Technology Design
- Oregon State University Hardware Access Guidelines
  [http://TAP.orst.edu/Policy/hard.html](http://TAP.orst.edu/Policy/hard.html)
- Oregon State University Software Access Guidelines
  [http://TAP.orst.edu/Policy/soft.html](http://TAP.orst.edu/Policy/soft.html)
- Oregon State University Web Accessibility Guidelines
  [http://TAP.orst.edu/Policy/web.html](http://TAP.orst.edu/Policy/web.html)
- W3C-Fact Sheet for “Web Content Accessibility Guidelines 1.0”
  [http://www.w3.org/1999/05/WCAG-REC-fact](http://www.w3.org/1999/05/WCAG-REC-fact)
6. What Web-based tools exist for responding to Section 508 standards?

BOBBY is probably the best-known general evaluation tool. It is a free downloadable service to help Web developers in identifying and repairing significant barriers to technology accessibility. W3C has prepared one of the most comprehensive inventories of assessment and repair tools.

- W3C: Evaluation, Repair, and Transformation Tools for Web Content Accessibility
  [http://www.w3.org/WAI/ER/existingtools.html](http://www.w3.org/WAI/ER/existingtools.html)

- Bobby Accessibility Validator: Center for Applied Special Technology
  [http://www.cast.org/bobby](http://www.cast.org/bobby)

- W3C HTML Validation Service
  [http://validator.w3.org](http://validator.w3.org)

- Jaws Validator

- Pennsylvania Initiative on Assistive Technology (PIAT) WAVE Accessibility Validator

5. What are the leading technologies, who are the leading vendors, and what are the key questions and costs associated with assistive technologies?

The Technology Access Program (TAP) at Oregon State University has compiled useful lists of vendors, programs, and Web resources for various forms of disabilities. The last link below offers a checklist of access-related questions to ask when purchasing technology.

- Hearing Assistance Resources
  [http://TAP.orst.edu/HEARING.HTM](http://TAP.orst.edu/HEARING.HTM)

- TDD/TTY Resources
  [http://TAP.orst.edu/TTD.HTM](http://TAP.orst.edu/TTD.HTM)

- Deafness Resources
  [http://TAP.orst.edu/DEAFNESS.HTM](http://TAP.orst.edu/DEAFNESS.HTM)
Telecommunication Resources
http://TAP.orst.edu/TELECOMM.HTM

Computer Access Resources
http://TAP.orst.edu/COMPUTER.HTM

Low Vision Resources
http://TAP.orst.edu/LOWVIS.HTM

Technology Access Resources
http://TAP.orst.edu/technolo.html

Basic Questions to Ask When Purchasing Technology
http://www.resna.org/tap/aet_bpqu.htm

4. What professional organizations, associations, or working groups routinely monitor 508 developments, and how can they be contacted?

Some of the major ones are listed below. For example, the Rehabilitative Engineering and Assistive Technology Society of North America (RESNA) sponsors an annual conference and exhibits, publishes the journal, Assistive Technology, and offers a credentialing program in assistive technology. RESNA is accredited by the American National Standards Institute (ANSI) and the International Standards Organization (ISO) to develop standards for assistive technology. Within higher education, the EASI program at the Rochester Institute of Technology is a project of the AAHE TLT Group, and the University of Washington’s Do-It initiative offers a wide range of professional development programs, especially for faculty.

WebAIM-Web Accessibility in Mind
http://www.webaim.org

Rehabilitative Engineering and Assistive Technology Society of North America (RESNA)
http://www.resna.org

International Center for Disability Resources on the Internet (ICDRI)
http://www.icdri.org

World Wide Web Consortium (W3C)
http://www.w3.org

W3C-Education & Outreach Working Group
http://w3.org/WAI/EO

Disability Related Organizations
http://www.access-board.gov/links/disability.htm

Equal Access to Software and Information (EASI), Project of AAHE TLT Group
http://www.rit.edu/~easi/

Accessible Web Authoring Resources and Education Center (Aware)
http://aware.hwq.org/

Do-It
http://www.washington.edu/doit
3. What general references, readings, links, conferences, workshops, etc. would be useful for responding to 508?

Anything and everything from the W3C Web Accessibility Initiative (WAI) is required reading. The University of Wisconsin, Madison Trace Center is a major resource as well. The CSU, Northridge annual conference on assistive technology is a significant event for all professionals in the field. Several organizations also offer formal seminars, workshops, certificate, and credential programs for professional development.

General References:

- Accessibility of The Internet In Postsecondary Education: Meeting The Challenge [http://www.webaim.org/articles/whitepaper.htm](http://www.webaim.org/articles/whitepaper.htm)
- W3C Web Accessibility Initiative (WAI) [http://www.w3.org/WAI/](http://www.w3.org/WAI/)
- W3C WAI Resources [http://www.w3.org/WAI/Resources/#ch](http://www.w3.org/WAI/Resources/#ch)
- W3C-References on Web Accessibility [http://www.w3.org/WAI/References/](http://www.w3.org/WAI/References/)
- University of Wisconsin, Stevens Point-Accessible Webpage Design: Resources [http://library.uwsp.edu/aschmetz/accessible/pub_resources.htm#guidelines](http://library.uwsp.edu/aschmetz/accessible/pub_resources.htm#guidelines)
- University of Wisconsin, Madison Trace Center Web Accessibility Resources [http://www.trace.wisc.edu/world/web/index.html](http://www.trace.wisc.edu/world/web/index.html)
- WebAIM Valuable Resources Links (Hardcopy Only)

- Communication and Information Technology Resources [http://www.access-board.gov/links/communication.htm](http://www.access-board.gov/links/communication.htm)

Readings

- Technology and Disability Journal [http://www.IOSPRESS.NL](http://www.IOSPRESS.NL)
- W3C-Technical Reports and Publications [http://www.w3.org/TR/](http://www.w3.org/TR/)

Conferences

- Assistive Technology Industry Association Conference [http://www.ATIA.org](http://www.ATIA.org)
2. Are there any immediate tasks IT managers should set in motion to comply with 508?

In the absence of definitive case law at the moment, simple prudence dictates that IT managers do the following:

a. Using the tools identified above, conduct a thorough, campus-wide accessibility evaluation of all hardware, software, network, training, and support resources in addition to Web sites. Make the assessment inventory available to the relevant stakeholders together with the necessary information for complying to Section 508.

b. Initiate development of an institutional policy on IT accessibility for the disabled.

c. Prepare one or multiple implementation plans for responding to the various regulations in Section 508, with timelines and budget estimates.

d. Keep detailed electronic and hardcopy documentation of IT procurement processes and products, including testing for accessibility among disabled populations.

e. Monitor Section 508 legal and technical developments through the organizations and resources noted above.

1. Can my campus be sued, am I personally liable, could I lose my job, etc. over Section 508 and have to cancel my Hawaiian vacation that I was really looking forward to.....................?

Hard to say.................