SECTION 508

What is Section 508?

Section 508 of the 1973 Rehabilitation Act as amended in 1998 requires the federal government and those receiving federal funds (e.g. SMC) to develop, procure, use, and maintain accessible electronic and information technology. There are section 508 design standards for web pages, software, multimedia, computers, telephones, and closed products with software (e.g., kiosks, printers, copy machines).

What does this mean to us?

- [1]All multimedia instructional content must be captioned. This includes multimedia from any source of any type (e.g., movies and TV broadcasts shown in the classroom, publisher content, YouTube). If you have a deaf/hard-of-hearing student in your class, and your chosen multimedia is not captioned, this multimedia cannot be shown or assigned. If you have a deaf/hard-of-hearing student in your class, and your online multimedia is not captioned, your links to that multimedia need to be inactive until the captioning is completed.
- We need to create and choose resources (e.g., PDF files, eBooks, publisher online content) that are accessible to everyone including students and employees with disabilities.
- Our web content needs to be designed and maintained according to current standards for accessibility (e.g., All images need text equivalents).
- **Purchasing** needs to order electronic and information technology consistent with Section 508 standards. Occasionally, we are forced to purchase technology and/or use digital resources that are not fully accessible because no accessible technology is available to meet a specific need (e.g. Google docs). In these cases, we must have a plan for accommodating members of our campus community with disabilities. Such accommodations must ensure that students and employees with disabilities have access to the technology and/or digital information in their preferred format within an appropriate time frame. Providing accommodations late is an invitation for an Office of Civil Rights investigation. Such an investigation covers not only the specific complaint but every detail of accessibility.

Resources
Web
WebAim: http://webaim.org/articles/laws/usa/rehab#s508
SMC Captioning FAQ

People
Captioning
- Christine Miller, Distance Education Multimedia Specialist, x3765 re: captioning for eCollege supplement, hybrid or online class
- Tom Peters, x8706 for all other captioning needs

General
Ellen Cutler, x 4496
Tom Peters, x8706

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[1] Here is the only exception: no students in your class need captioning as an accommodation and the multimedia will be used for the current class ONLY (e.g., YouTube video on a current event), not in a subsequent semester.

ENQUIRING ABOUT THE ACCESSIBILITY OF DIGITAL INSTRUCTIONAL RESOURCES

Establishing the Context

Explain to the publisher representative that SMC has a legal mandate to adopt instructional resources that are accessible to all students including students with disabilities and that you need to know the product's accessibility status before adopting it. Few publisher representatives have specific accessibility information, but most publishers now have accessibility point people. Sometimes the publisher representative needs to make the initial referral. You may be sent the product's VPAT (Voluntary Product Accessibility Template), which summarizes the accessibility of the product for each applicable Section 508 standard. Unfortunately, these documents are often vague and obtuse.

Questions

Are the content, navigation, and interactive components of the product Section 508 compliant? If the product is considered accessible, ask "How was the accessibility validated?" Was there usability testing by people with disabilities? Which disabilities were considered? In other words, how does the company know accessibility was achieved?

Are the content, navigation, and interactive components of the product accessible to the following groups of people?

- People who are blind and use screen reading software and/or refreshable Braille displays? (Do all images and animations have text equivalents? Are there long descriptions for important, complex images like graphs? Is navigating everything by keyboard possible? Is the text accessible with a screen reader? Is there any inaccessible Flash content?)
- People who are partially sighted and use magnification software?
- People who talk to the computer using voice recognition software?
- People who are deaf/hard-of-hearing? (Are all multimedia captioned? Are there transcripts for all audio files?)
- People who are color blind?
- People who learn better by listening so they use text-to-speech software to listen to text?
- People who navigate by keyboard alone?

Does your platform enable giving individual students extra time on tests? Does this extra time need to be set up for each quiz/test or does it get entered once?

Are all PowerPoint presentations available for download? What are the standards for PowerPoint accessibility? Are all videos within PowerPoint files captioned? Do all images have alt text? Are all complex images (e.g., charts) explained with longer descriptions? Does the outline view contain all the text?

Are PDF files text-based, tagged files?

Are math and science symbols and formulas accessible?

Can all timed aspects of the interface be adjusted?

Can aspects of the format be adjusted based on user preferences (e.g., text size and color, background color, screen reading rate)?

If the product is partially accessible, which features are not accessible?

In what alternate formats (i.e., What are the workarounds?) can you provide us content that is not otherwise accessible?

Should any aspects of this product fail to provide the promised accessibility, can your company provide accessible alternate formats for delivering the same functionality and content? A timeline for fixing the accessibility problems?

Sources
The PALM Initiative
http://aim.cast.org/learn/practice/palm#.UkjPenB8vww

Portland Community College
http://www.pcc.edu/resources/instructional-support/adopting-publisher-content.html

POTENTIAL ACCESSIBILITY CONTRACT LANGUAGE

- This product is compliant with the accessibility standards in Section 508 of the 1973 Rehabilitation Act as **validated** by ….

- Compliance encompasses all aspects of the product (e.g., navigation, content, and interactivity).

- **The current inaccessible obstacles include…. These obstacles will be removed by …. (Accessibility Road Map)**

- Should any aspects of this product fail to provide the promised accessibility, this contract may be cancelled with no liability on the part of SMC.

- **Should any aspects of this product fail to provide the promised accessibility, your company will provide accessible alternate formats for delivering the same functionality and content.**

- From SMC's purchasing contracts

  "508 Compliance: Vendor hereby warrants that any hardware or software products or services to be provided under this Purchase Order comply with the accessibility requirements of section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794d), and its implementing regulations set forth at Title 36, Code of Federal Regulations, part 1194. Vendor agrees to promptly respond to and resolve any complaint regarding accessibility of its products or services which is brought to its attention. Vendor further agrees to indemnify and hold harmless the District, the Chancellor's Office of the California Community Colleges and any California Community College using the Vendor's products or services from any claim arising out of its failure to comply with the aforesaid requirements. Failure to comply with these requirements shall constitute a breach and be grounds for termination of this Purchase Order."

- From the Palm Initiative (Purchase Accessible Learning Materials Initiative launched by the National Center on Accessible Instructional Materials), Guidance for Purchasers (http://aim.cast.org/learn/practice/palm)

  For digital materials (applies to commercial and open education resources [OER]): Vendor represents that the digital instructional materials delivered under this contract or purchase order conform to, at a minimum, the standards for accessibility as set forth in Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794d), and its implementing regulations (36 C.F.R. § 1194), or Web Content Accessibility Guidelines (WCAG) 2.0 (minimum of Level AA conformance).

  Should any portion of the materials not conform to the aforementioned standards of accessibility, vendor agrees to provide a written explanation of the reason for non-conformance. Submission of a complete **Voluntary Product Accessibility Template (VPAT)** will satisfy the requirement to provide a written explanation. **Vendor further agrees to provide alternative means for access to the instructional materials during the period of non-conformance to students** who may qualify in accordance with the Act entitled "An Act to provide books for the adult blind" approved March 3, 1931 (2 U.S.C. 135a).