

Website Accessibility



What is website accessibility?

Web accessibility means that **people with disabilities can use the Web** and access web content (text, images, sounds, etc.)

District uses the Internet to communicate with students, parents, employees, and community members.

Legal issue of whether a website is accessible to individuals with disabilities has become a “hot topic” issue for school districts.

Laws Regarding Website Accessibility

Title II of the Americans with Disabilities Act (ADA)

- Prohibits discrimination on the “basis of disability in all services, programs, and activities provided to the public by State and local governments[.]”
- Individuals with disabilities **must** have **equal access** to the district’s programs, services, or activities.

Section 504 of the Rehabilitation Act (Section 504)

- Protects the rights of individuals with disabilities in programs and activities that receive federal financial assistance.

Laws Regarding Website Accessibility

Under both laws, must give individuals with disabilities an opportunity to participate in or benefit from aids, benefits, and services that is equal to the opportunity afforded to non-disabled individuals.

- Exceptions if granting equal access would “fundamentally alter” the nature of the district’s programs, services, or activities, or would impose an “undue burden.”

Office for Civil Rights (“OCR”) responsible for investigating alleged violations of Title II of the ADA and Section 504.

- Taken position that Title II and Section 504’s equal access requirement extends to school district websites.

OCR Position

A school district has an underlying obligation “**to ensure students, parents, and members of the public are able to independently acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as their nondisabled peers**, with substantially equivalent ease of use; and that they **are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any district programs, services, and activities delivered online.**”

Amended Resolution Agreement, Cartwright Elementary School District, Case No. 08-14-1198.

Factors impacting accessibility.

Auditory disabilities.

- Hard of hearing.
- Deafness.
- Inability to filter out background noise.

Factors impacting accessibility.

Cognitive and neurological disabilities – impact how well people hear, move, see, speak, and understand information.

- ADHD.
- Autism spectrum disorder.
- Intellectual/learning disabilities.
- Mental health disabilities.
- Memory impairments.
- Multiple sclerosis.
- Perceptual disabilities (dyslexia, dysgraphia, etc.).
- Seizure disorders.

Factors impacting accessibility.

Physical (motor) disabilities.

- Amputation and deformity.
- Arthritis.
- Rheumatism.
- Reduced dexterity.
- Muscular dystrophy.
- Repetitive stress injury.
- Tremor and spasms.
- Quadriplegia.

Factors impacting accessibility.

Speech disabilities.

- Apraxia.
- Speech sound disorder.
- Stuttering.
- Muteness/mutism.

Could result in difficulty producing speech that is recognizable by voice recognition software.

Factors impacting accessibility.

Visual disabilities.

- Color blindness.
- Low vision.
- Blindness.
- Deaf-blindness.

Accessibility Standards

OCR measures accessibility of online content and functionality according to:

1. World Wide Web Consortium's (W3C's) Web Content Accessibility Guidelines (WCAG) 2.0 Level AA
2. Web Accessibility Initiative Accessible Rich Internet Applications Suite (WAI-ARIA) 1.0 for Web Content

WCAG 2.0

Web Content Accessibility Guidelines designed to provide a single shared standard for web content accessibility.

WCAG 2.0 includes 12 guidelines organized into four groups. For each guideline, there are testable *success criteria*, which are at three levels: A, AA, and AAA.

WCAG 2.0 Guideline 1 – Perceivable

- Provide **text alternatives** for non-text content.
- Provide **captions and other alternatives** for multimedia.
- Create content that can be **presented in different ways**, including assistive technologies, without losing meaning.
- Make it easier for users to **hear and see content**.

WCAG 2.0 Guideline 2 – Operable

- Make all functionality available from a **keyboard**.
- Give users **enough time** to read and use content.
- Do not use content that causes **seizures**.
- Help users **navigate and find content**.

WCAG 2.0 Guideline 3 - Understandable

- Make text **readable and understandable**.
- Make content appear and operate in **predictable** ways.
- Help users **avoid and correct mistakes**.

WCAG 2.0 Guideline 4 – Robust

- Maximize **compatibility** with current and future user tools.


WAI-ARIA

Web Accessibility Initiative – Accessible Rich Internet Applications is a technical specification that specifies how to increase the accessibility of web pages.

Helps assistive technologies, such as screen readers for the blind, make sense of certain things that are not native to HTML.

Comprised of three elements: roles, properties, and states.

Sample Website Design Principles

- Provide appropriate alternative text.
 - Caption video, provide transcripts for audio, include audio descriptions.
 - Make file downloads (e.g., PDF) accessible or in text-based format (HTML or RTF).
 - Do not rely on color alone to convey meaning.
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Website Design Principles

- Include notice to persons with disabilities regarding how to request the webmaster or other appropriate person to provide access to online information or functionality that is currently inaccessible.
- Include information on how to file formal grievances under Section 504 and Title II.
- Include on home page and all subordinate pages and intranet sites.

Responsibility for Compliance

Ultimately, the district is responsible for maintaining an accessible website.

BUT, individual content creators share in that responsibility.

- Is an administrative assistant uploading scanned lunch menus that can't be read by a screen reader?
- Is a history teacher posting inaccessible PowerPoint presentation as study guides?

TITLE IX/SECTION 504/TITLE II GRIEVANCE PROCEDURES

The Barnstable Public School District has adopted internal grievance procedures providing for the prompt and equitable resolution of complaints alleging any action prohibited by Title IX of the Education Amendments of 1972 (Title IX), Section 504 of the Rehabilitation Act of 1973 (Section 504) or Title II of the Americans with Disabilities Act of 1990 (Title II). Title IX prohibits discrimination on the basis of sex. Both Section 504 and Title II prohibit discrimination on the basis of disability.

The Title IX/Section 504/Title II Coordinator for the District is: Gina Hurley, Ed.D., Director of Student Services, Barnstable Public Schools, 230 South Street, P.O. Box 955, (508) 862-4951.

As used in these procedures, the term “complainant” means any student, parent, employee, or other District patron who believes he or she has been subjected to discriminatory action by the District in violation of Title IX, Section 504, or Title II.

Grievance Procedure

A complainant who believes that they or someone else has been subject to discrimination on the basis of sex or disability may first discuss his/her concerns with the Title IX/Section 504/Title II Coordinator in an attempt to resolve the matter informally.

If the Title IX/Section 504/Title II Coordinator is not successful in achieving a resolution that is satisfactory to the complainant within 10 calendar days, or if the complainant wishes to bypass the informal process, he/she may notify the Title IX/Section 504/Title II Coordinator that he/she would like to file a formal grievance. This must be filed within 90 calendar days after the complainant becomes aware of the alleged discrimination. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis.) To file a formal grievance the complainant must inform the Title IX/Section 504/Title II Coordinator that he/she is filing a formal grievance and provide, either verbally or in writing: the name and address of the person filing and a brief description of the alleged discriminatory action, including the date the action occurred and the name(s) of the person(s) believed to be responsible. When this information is provided verbally, the Title IX/Section 504/Title II Coordinator will document the information provided.

Upon receiving the grievance, the Title IX/Section 504/Title II Coordinator will conduct an investigation with respect to all timely filed grievances which raise issues under Title IX, Section 504, or Title II. This grievance procedure contemplates informal but thorough and impartial investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a grievance.

The District will provide a prompt and equitable resolution, including taking steps to prevent recurrence of any discrimination that it finds has occurred, and to correct the effects of such discrimination on the complainant and others, if appropriate. The Title IX/Section 504/Title II

Coordinator will issue a written determination as to the validity of the grievance and a description of the resolution, if any, and forward a copy to the complainant no later than 30 calendar days after the grievance was filed.

A complainant who is dissatisfied with the resolution can request a reconsideration of the case. The request for reconsideration must be made in writing to the Title IX/Section 504/Title II Coordinator within 10 calendar days after the complainant's receipt of the written determination. The Barnstable School Committee will consider the request for reconsideration within 60 days after the District's receipt of the request. At the meeting at which the request for reconsideration is considered, the complainant may address the School Committee concerning the grievance, in public or executive session, as appropriate and lawful. The School Committee will provide the complainant with a written decision within 10 calendar days after the meeting at which the request for reconsideration is considered.

General Provisions

Non-Exclusive Procedures: The right of a person to a prompt and equitable resolution of any grievance filed under these procedures will not be impaired by the person's pursuit of other remedies such as the filing of a Title IX, Section 504, and/or Title II complaint with the responsible federal department or agency. Utilization of these grievance procedures is not a prerequisite to the pursuit of other remedies. However, these grievance procedures may not be used by an employee if he or she has filed a grievance under a collective bargaining agreement with the Barnstable School Committee which involves substantially the same set of facts and issue(s).

Confidentiality: Every reasonable effort will be made to protect the privacy and confidentiality of all parties during the investigation, consistent with and subject to the District's need to investigate the complaint and implement decisions made in order to resolve the complaint. It must be understood that in order to permit the District to carry out its obligation to investigate all complaints fairly, and to ensure that non-discrimination is a reality within the school community, no representative of the District is authorized to promise complete confidentiality to any person who possesses information relevant to the investigation of a complaint, including the complainant.

Maintenance of Grievance Records: The Title IX/Section 504/Title II Coordinator will maintain the records of the Barnstable Public School District relating to grievances filed under these procedures. A record must be kept of each grievance (whether informal or formal), including, at a minimum: the name of the complainant and his or her status (that is, student, parent, teacher, staff, etc.); the date the grievance was received; the allegation(s) made in the grievance; the name(s) of any person(s) alleged to be responsible for discrimination; a statement of the resolution and the nature of date of any corrective action taken.

Alternate Title IX/Section 504/Title II Coordinator: If a grievance alleges discrimination stemming from the Title IX/Section 504/Title II Coordinator, the complainant may discuss his/her concerns and/or file a formal grievance with the Superintendent, who will designate an alternate District official to serve as Title IX/Section 504/Title II Coordinator for purposes of that grievance.

Retaliation Prohibited: Discrimination against any individual because he or she reported Title IX, Section 504, and/or Title II violations, or made a complaint, testified, assisted, or participated in any investigation or proceeding, is prohibited. Coercion or intimidation of, threats toward, or interference with anyone because he or she exercised or enjoyed Title IX, Section 504, and/or Title II rights, or helped or encouraged someone else to do so, is also prohibited.

These procedures are intended to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that the Barnstable Public School District complies with Title IX, Section 504, Title II, and their implementing regulations.

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