

**Metropolitan State  
University of  
Denver**

**Electronic and  
Information  
Technology  
Accessibility  
Implementation Plan**

**May 2015**



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## Acknowledgements

Portions of this document were adapted from the California State University of Sacramento *Accessibility Implementation Plan*, the University of Montana *EITA Implementation Plan*, and the National Center on Disability and Access to Education *GOALS* project with permission.

## Overview and Legal Requirements

The purpose of this implementation plan is to provide processes by which University administrators, faculty, and staff will create, obtain and maintain all electronic and information technology (EIT) in a manner that ensures equal access by all individuals.

### Metropolitan State University of Denver Accessibility Statement

Metropolitan State University of Denver is committed to equal access and proactive compliance with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA). The University shall ensure that all programs, services, and educational resources are accessible to individuals with disabilities in their learning and working environment. This includes working as a partner with the Auraria Higher Education Center to ensure Architectural (facilities) accessibility.

This document outlines the University's plan for implementing processes and guidelines to ensure access to all students, faculty and staff.

As stated in the Web Content Accessibility Policy, nothing in this Implementation Plan is intended to prevent the use of designs or technologies as alternatives to those prescribed in the standards, provided they result in substantially equivalent or greater access to and use of web content by individuals with disabilities.

During the 2011-2012 academic year, the Technology Accessibility Initiatives Committee met regularly to develop strategies and plans. (See Appendix D for membership) Contacts were made with numerous schools in California, which is considered to be a forerunner in ensuring accessibility. WebAIM (Accessibility in Mind) as well as the National Center on Disability and Access to Education were consulted to assist in conducting a self-assessment and determining a plan of action.

See Appendix B for University-wide Policy and Dear Colleague Letter. Implementation of these guidelines will help achieve the goal that all individuals have access to websites and University sponsored activities. Ensuring access to all MSU Denver constituents is the responsibility of everyone. The University is committed to a transparent process and shared governance regarding accessibility. The Technology Accessibility Initiatives Committee, with representatives from all areas of the institution, was formed under the direction of the President to provide guidance concerning Web Accessibility.

## Definitions

“Accessible” means a person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use. A person with a disability must be able to obtain the information as fully, equally, and independently as a person without a disability. Although this might not result in identical ease of use compared to that of persons without disabilities, it still must ensure equal opportunity to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology.

“Disability” means a physical or mental impairment that substantially limits one or more major life activities.

“Equally effective” means that the alternative format or medium communicates the same information in as timely a fashion as does the original format or medium.

“Electronic and information technology” or “EIT” includes information technology and any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, or duplication of data or information. The term electronic and information technology includes, but is not limited to, the internet and intranet websites, content delivered in digital form, electronic books and electronic book reading systems, search engines and databases, learning management systems, classroom technology and multimedia, personal response systems (“clickers”), and office equipment such as classroom podiums, copiers and fax machines. It also includes any equipment or interconnected system or subsystem of equipment that is used in the automatic acquisition, creation, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. This term includes telecommunication products (such as telephones), information kiosks, Automated Teller Machines (ATMs) transaction machines, computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

## Implementation Plan

### PART 1: Website Accessibility

#### Scope

These procedures apply to all official University websites including, but not limited to, academic programs and services, student services, business services, and auxiliary programs and services. Individual webpages published by students, employees, or non-university organizations that do not conduct university-related business are encouraged to adopt the University's policy and standards but fall outside the scope of this plan.

#### Standards

All University websites must conform to World Wide Web Consortium's (W3C) Web Content Accessibility Guidelines 2.0 (WCAG) Level AA. All University websites will contain a link to the University's main Accessibility page which includes an option to report any accessibility concerns.

NOTE: Any reference to "Web Admins" or "Web Administrators" in this document refers to the current Web Content Management System administrators.

Consultation and technical assistance will be provided to website managers through various campus departments and services to assist in making site content accessible.

Colleges, schools, programs, departments, and centers are ultimately responsible for the content of their webpages. Beginning Summer 2015, website managers will be required to verify the accessibility of webpages or new web content before it is published.

Feedback pertaining to web accessibility problems that come to the University's attention will be made available to the responsible department through direct contact, with available resources provided to the department to correct any problems.

### **Monitoring, Auditing and Reporting**

The Technology Accessibility Initiative Committee will become an Advisory Committee that meets once a quarter and reports directly to the Equal Opportunity Office.

Software will be purchased in Summer 2015 to run mandatory reports on all front facing University websites. University webpages will be periodically scanned and monitored using this software. Monitoring shall be supervised by Marketing and Communications, which will provide reports directly to the Technology Accessibility Advisory Committee on a quarterly basis.

If a webpage content does not conform to the University accessibility guidelines, a report communicating results of a website's Section 508 compliance evaluation will be provided to the website manager. The website manager must respond to the report within 30 days indicating the proposed reasonable timeframe to bring the website into compliance.

Consultation and technical assistance will be provided to the website manager through various departments and services on campus to assist in bringing the site into compliance.

### **Procedure for Correcting Violations: Consider removing this Section**

As indicated above, an initial notice of accessibility problems will be submitted to the website manager. The website manager will respond within 30 days and provide a target date for correction.

- a. If not corrected by the notice target date, a second notice of policy violation will be submitted to both the website manager and the website manager's supervisor. The website manager will respond within 30 days and provide a target date for correction. Upon failure to comply with this second notice, a third notice will be sent to the appropriate vice president, noting the need for the applicable area to respond within two weeks and provide a target date for correction.
- b. After three notifications, if not compliant, notice will be turned over to the Director of Equal Opportunity Office at MSU Denver who will notify the President. At the direction of the Equal Opportunity Office, University Web Administrators will be granted authority to remove webpages from service within 30 days when websites do not come within compliance after this third warning period. University Web Administrators shall notify the website manager, with a copy to supervisors and the appropriate vice president prior to taking such action.

### **Repair Documentation Procedures:**

Website managers are responsible for reviewing the results of applicable website accessibility evaluations and then consulting with the necessary experts, such as Marketing and Communications and the Access Center or other technical experts to identify and propose solutions for correction. Documentation must be provided by the website managers after repairs are made that:

- a. Identifies who completed the repair work;
- b. Outlines the changes that were made to retrofit the site for accessibility, referring to the accessibility report or addressing a manual web evaluation checklist.

- c. Identified inaccessible webpages that have not been remediated within a reasonable timeframe will be turned over to the Director for Equal Opportunity to determine what action, if any needs to be implemented until the site is fully accessible.

### **Process for identifying critical administrative websites that require remediation**

Marketing and Communications will identify the top 10% of requested web pages. This process will include pages that can be navigated from the MSU Denver Home Page, web pages frequently accessed by students with disabilities, and pages reflective of a wide range of web services.

As indicated in the web policy, University web pages at MSU Denver must satisfy Section 508 guidelines for accessibility, with special attention to critical webpages.

Feedback pertaining to accessibility problems of administrative webpages will be made available to the responsible department; feedback should be submitted via the official University accessibility feedback form at: <http://www.msudenver.edu/accessibility/contactus/>.

### **Process for providing alternative ways of delivering information during any period in which websites are undergoing retrofit**

Content that does not meet accessibility requirements must be provided via alternative methods during any period in which those pages are undergoing retrofits. See Part 4 for further information on providing alternative access. Each University website must contain an email link or contact information if users have trouble accessing content within the site. This would usually be the website manager.

There MUST be a means for individuals with disabilities to obtain the inaccessible information when websites are undergoing remediation. In order to provide the equivalent access that the webpage provides to non-disabled users, all website managers must be prepared to ensure requests for alternatives are made available in a timely manner.

As an example of the process, a page with an inaccessible web-form could remain in place with the addition of language describing an alternative way to complete the form. The website manager may need to consult with the Access Center in order to properly describe the alternative means of access that will allow individuals with disabilities to obtain the information or access the technology. If there is a cost involved in providing the alternative method, the budget request should be submitted to the EO Office for review and approval.

### **Process for determining exceptions and providing alternative access**

Initial requests for assistance or exceptions should be submitted to the Access Center at: [accesscenter@msudenver.edu](mailto:accesscenter@msudenver.edu). When compliance is not technically possible, would require a fundamental alteration, or would result in undue financial and administrative burdens, exceptions to the policy may be granted by the Director of Equal Opportunity in consultation with the Access Center. After approval from the Director of Equal Opportunity, Marketing and Communications and the Access Center will work collaboratively with all parties to ensure an effective means for providing equally effective alternate access. It is the responsibility of the website manager to provide documentation of completion of plans for equally effective alternate access. Equally effective alternate access to electronic and information technology for persons with disabilities is based on (1) timeliness of delivery, (2) accuracy of translation, and (3) delivery in a manner and medium appropriate to the disability of the person. Such alternate(s), to be equally effective, are not required to produce the identical result or level of achievement for disabled and non-disabled persons, but must afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs.

A change to a University program or service may constitute a fundamental alteration if it alters the essential purpose of the program or service or any of its components. In situations where a fundamental alteration can be documented, equally effective alternate access must still be provided.

Undue financial and administrative burdens are created when a proposed course of action causes significant difficulty or expense. Because an institution must consider all resources available when reviewing claims of undue financial and administrative burdens, the decision to invoke undue financial and administrative burdens should be carefully weighed and sufficiently documented. In situations where undue financial and administrative burdens can be documented, equally effective alternate access must still be provided.

### **Ensuring new sites incorporate accessibility in the design process**

MSU Denver has a policy statement which reflects the minimum accessibility requirements mandated by Sections 504 and Section 508 of the Rehabilitation Act of 1973, as amended, and other applicable state and federal laws: <http://www.msudenver.edu/accessibility/>.

The current campus policy should be incorporated into the normal workflow for development of new web-based content and media by all website managers. In addition, accessibility training will be incorporated into the current required WCMS (Terminal 4) training class. A communication plan to increase awareness of the web accessibility policy, as well as a plan for ongoing internal promotion of web accessibility, will be created and updated annually by the Technology Accessibility Initiatives Committee as staff and responsibilities change over time. Appendix B contains a formal budget overview, which outlines costs associated with meeting University accessibility communication goals.

### **Web Server Access**

Access to publish content within the University-wide Web Content Management System (WCMS) requires all website managers attend WCMS training prior to receiving access. As stated previously, accessibility requirements and strategies must be incorporated into this training.

### **Software Designed to Facilitate Accessibility**

Tools to assist website managers with developing compliant content are provided as well. Web editing tools can be used to help bring web pages into accessibility compliance. Tools currently available can be found on the Accessibility website at <http://www.msudenver.edu/accessibility>.

In addition, commercial web accessibility validation tools will be made available campus-wide to assist faculty, staff, and students with developing accessibility content.

### **Using Templates to Help Meet Accessibility Standards**

MSU Denver provides templates for use in creating accessible websites. These templates meet the minimum standards of accessibility and can be used as accessible frameworks for the creation of web content. There is a one-to-one relationship between pages that use official University web templates and those that are Section 508 compliant. Procedures are in place to ensure that additions and changes made to the templates remain continually compliant with Section 508. Any content entered into templates by website managers must meet accessibility standards. Content provided dynamically to a template from a database or content management system also needs to be assessed for accessibility to achieve full conformance. The University has developed strategies to increase adoption of accessible templates, which will in turn increase compliance with Section 508.

## **Incorporate Accessibility into WCMS Training**

The University will present opportunities to campus website managers and system administrators to meet each semester to provide information about web accessibility and to discuss other issues related to web publishing. The current website managers e-mail list will also be used to communicate and collaborate around accessibility issues across the University. A web accessibility checklist which will guide webpage developers, publishers, and authors in creating accessible web materials will be made available to all website managers. This checklist can be used to determine if a website is compliant with current accessibility guidelines.

## **PART 2: Instructional Materials Accessibility**

### **Scope**

These procedures apply to all electronic instructional materials (syllabi, readings, assignments, discussions, course packets, electronic materials bundled with textbooks, electronic reserves, exams, web based videos, DVDs, etc.). This includes electronic instructional materials delivered within the University's learning management system, in face-to-face classes, or in an alternative fashion (email, blogs, etc.) and electronic instructional activities (online collaborative writing, web conferencing, etc.).

### **Standards**

All electronic instructional materials, including documents (word processing documents, PDFs, PowerPoints, etc.) which are scanned, uploaded, posted, or otherwise published or distributed electronically, must be accessible to students with disabilities. Video media will be closed captioned and audio-described to meet accessibility guidelines. Communication and instruction must be equally effective for all students regardless of disability.

### **Support for faculty**

Accessibility must be incorporated when faculty create and provide their instructional materials. The Educational Technology Center provides instruction and support for faculty in creating accessible online courses and online instructional content. The Access Center provides faculty with support and resources to help ensure that new created and existing electronic documents are accessible. Additionally, training workshops for making documents accessible are being developed and will be offered both on-line and face-to-face by the Access Center, particularly covering the creation of accessible Word, PowerPoint, and PDF documents. Resources for captioning can be found at [www.msudenver.edu/accessibility](http://www.msudenver.edu/accessibility).

While the goal of achieving maximum access to instructional materials will remain constant, how we accomplish this may evolve over time and circumstances. For these reasons, this plan should be regarded as a living document open to change and modifications throughout the implementation process.

For publishers' content including ePacks, course cartridges, companion sites and electronic materials, please refer to Part 4: Technology Procurement for guidance. If there is a cost involved in providing the alternative method, the budget request should be submitted to the EO Office for review and approval.

## **Part 3: Technology Procurement**

### **Scope**

This process applies to all University purchases of EIT products and services. EIT includes software, electronic instructional materials, course cartridges, ePacks, publisher companion sites, electronic textbooks, online applications and services, computers and peripherals, videos and multimedia products and services, learning and content management systems, email systems, administrative management systems, telecommunications equipment, mobile devices, and self-contained closed systems such as kiosks, printers, copiers, and scientific instruments.

## Standards

Considering accessibility in procurement involves the following steps:

1. Vendors must be asked to provide evidence that their products are accessible.
2. The information provided by vendors must be valid, measured using a method that is reliable and objective.
3. Those making procurement decision must be able to objectively evaluate the accessibility of products, and to scrutinize the information provided by vendors.

The [Voluntary Product Accessibility Template](#) (VPAT) is a standard form developed to assist federal agencies in fulfilling their Section 508 requirements. Therefore, one way that vendors may be asked to report on the accessibility of their products is to submit a completed VPAT. However there are limitations to the VPAT since it is a self-report completed by the vendor.

Procurement procedures, exemptions, and additional informational resources will be fully developed and made available for users on the [www.msudenver.edu/accessibility](http://www.msudenver.edu/accessibility) site.

## **Part 4: A communication plan to educate campus**

A formal communication strategy will be developed and maintained by the Technology Accessibility Initiatives Committee, or designated subcommittee. Appropriate channels such as The Daily@MSU Denver, all-lists, training workshops, accessibility website and direct communication with students will serve as communications vehicles regarding effective access to website content.

The Communications Plan must take into account various audiences. Below are suggested communications that could be undertaken:

- Send awareness email from the President to all students, faculty, and staff introducing the University's policies and Implementation Plan.
- Encourage campus administrators to incorporate information about web accessibility into orientation sessions at the start of each semester.
- E-mail messages to all Deans and Department Chairs from the Provost reminding their faculty and staff that accessibility requirements must be met when designing or creating content, including webpages.
- Conduct campus forums on web content accessibility.
- Establish a MSU Denver Accessibility webpage as a repository and information resource on the accessibility efforts of the University.
- Meet with campus website managers each semester to provide information about web accessibility and to discuss operational details. This can include active discussions through current e-mail distribution lists or social media tools.
- Create a one-stop "Accessible Technology" email address and/or web form to route questions about accessible webpages, and other accessible technology issues.
- Announce to the Council of Administrators, Council of Classified Staff, Student Government Assembly, Faculty Senate, and Council of Chairs that information and training will be provided for department chairs and faculty, staff and administrators, and students.
- Integrate this information into the WCMS training.

## **PART 5: An evaluation process to measure the effectiveness of the plan**

The MSU Denver Web Content Accessibility Implementation Plan will be evaluated annually by the Technology Accessibility Advisory Committee to ensure the items outlined in this plan are being addressed and continual progress is being made.

## **PART 6: Identification of roles and responsibilities**

### **Office of Equal Opportunity:**

- Office of Equal Opportunity is responsible for enforcement and addressing questions related to compliance with the procedures identified in this implementation plan.

### **Technology Accessibility Advisory Committee:**

- The Technology Accessibility Advisory Committee will provide general oversight of implementation plan.

### **Access Center:**

- The Access Center provides coordination, support, resources and training to assist faculty in creating and providing accessible instructional documents.
- The proposed Technology Accessibility Coordinator will be responsible for coordinating the campus EITA plan. This position will focus on promoting, assessing, informing, training and coordinating support and services for improving the accessibility of all electronic and information technology in a manner that ensures equal access by all individuals.

### **Educational Technology Center:**

- The Educational Technology Center provides assistance in making audio-visual materials accessible (such as adding subtitles to videos) and producing new audio-visual materials that are accessible.
- Advising and assisting faculty in developing accessible LMS content.

### **Office of Marketing and Communications:**

- Office of Marketing and Communications assists all departments and programs with designing and creating accessible website content.

### **Departments, Programs and Faculty:**

- Will comply with the web accessibility standards when creating web content.
- Will ensure that all instructional materials comply with all requirements outlined in this plan.
- Will purchase only captioned versions of video media whenever possible. Will ensure that all other video media that is used in the classroom or on the web is captioned.
- Will purchase or otherwise acquire accessible EIT, in accordance with this plan.

### **Website managers:**

- Website managers are responsible for ensuring accessible development practices are followed when publishing web content.

## **PART 7: Milestones and Timeline**

- Implementation of a Blackboard Learn Orientation course for all faculty (completed summer 2013)
- Implementation of a unified LMS with course shells for all new courses (completed spring 2014)
- Faculty-specific communications regarding awareness, policy and training (to be determined by Technology Accessibility Initiatives Committee)

University websites should satisfy accessibility standards as stated in the University Web Content Accessibility Policy, in accordance with the specific timelines outlined within this plan.

### Phase I (Summer 2016)

1. Purchase global accessibility software/service (Equal Opportunity)
2. Install software, test (Information Technology Services, Marketing and Communications)
3. Set up account management, reporting structure, reporting templates (Marketing and Communications)

### Phase II (Fall 2016)

1. Create Communication Plan (Technology Accessibility Initiative)
2. Create Accessibility Check List (Marketing and Communications, Information Technology Services)
3. Create Budget Request for Cost of Alternative Method process (Equal Opportunity)
4. Create new accessibility feedback form to tie into Footprints on /accessibility site (Marketing and Communications, Information Technology Services)
5. Global Baseline scan testing (Marketing and Communications)
6. First 10% analysis (Marketing and Communications)
7. Update /wcms site with new information/materials (Marketing and Communications)
8. Update /accessibility with new information/materials (Technology Accessibility Initiative)

### Phase III (Spring 2017)

1. Launch Communication Plan (Technology Accessibility Initiative)
2. Update WCMS training to include accessibility training (ITS training)
3. Launch Accessibility Check list (Technology Accessibility Initiative)
4. Web Authors required to verify accessibility of web pages prior to publishing (using Accessibility Check List)
5. Begin updated WCMS training for new web authors (Marketing and Communications)
6. Distribute WCMS ADA training/documentation to existing Web Authors (Marketing and Communications)
7. Begin Open training sessions for existing Web Authors (Marketing and Communications)
8. First Global scan report to EOO (Marketing and Communications)

# Appendices

## APPENDIX A

### Metropolitan State University of Denver Web Content Accessibility Policy

#### Purpose

The University is committed to ensuring equal access to information and services for all its constituencies as outlined in the Metropolitan State University of Denver Statement of Accessibility. This Web Content Accessibility Policy establishes standards for the accessibility of web based information and services considered necessary to meet this goal and ensure compliance with applicable state and federal regulations.

#### Background

MSU Denver is committed to the goal of equal access to information technology and to proactive compliance with our obligations under Section 504 of the Rehabilitation Act and the Americans With Disabilities Act (ADA) to insure that all our programs, activities and services, including those provided through the web, are accessible to individuals with disabilities. During the past year, the Access Center, Equal Opportunity Office, and the Educational Technology Center have conducted a considerable amount of research in the area of online accessibility and Section 508 of the Rehabilitation Act. Contacts were made with numerous institutions of higher education in California which is considered to be a forerunner in ensuring accessibility. WebAIM (Accessibility in Mind) as well as the National Center on Disability and Access to Education were consulted to assist in conducting a self-assessment and determining a plan of action.

In addition, several developments necessitate this policy:

- The US Departments of Justice and Education jointly issued a Dear Colleague letter on June 29, 2010 expressing concern about universities and colleges using electronic book readers that are not accessible to students who are blind or have low vision. They declared such usage to violate federal law unless students were provided accommodations that permitted them to receive all the educational benefits in an equally effective and integrated manner.
- US Department of Justice officials recently declared that websites of state universities and other public entities are subject to the program access requirements of the Americans with Disabilities Act.
- A major state university is being investigated by the US Department of Education pursuant to a complaint about inaccessible university websites.
- The National Federation for the Blind has filed legal complaints against several universities over the use of inaccessible information technology.
- The US Department of Justice has announced its intention to establish regulations that will set minimum required standards for websites of public entities such as state universities.

These developments, combined with the rapidly increasing use of information technology as a medium for delivering MSU Denver programs and services, underscore the urgent necessity for accessibility standards for University websites. This policy is necessary in order to ensure that individuals with disabilities have equal opportunity to access programs and services provided through information technology, including websites.

## **Policy**

All new or revised web-based content published or hosted by the University must be in compliance with the World Wide Web standards defined in the Federal Rehabilitation Act Section 508, specifically subsections 1194.22 and subsection 1194.31. As a way to provide achievable, well documented guidelines for implementation, all new and revised web content published by any school, department, program, or unit of Metropolitan State University of Denver on or after the effective date of this policy must conform to World Wide Web Consortium's (W3C) Web Content Accessibility Guidelines 2.0 (WCAG) Level AA. A web page is considered to be revised when there is significant redesign of a page or a major revision of the content. All Legacy web content published prior to the effective date of this policy must conform to these accessibility standards no later than (Specific date to be determined – four years from effective date of the policy). The time frames for achieving compliance are included in the Procedures section of this policy. Progress toward achieving and maintaining fully accessible Web content must be documented on annual status reports from the Office of Equal Opportunity in collaboration with the appropriate areas of the institution.

This policy applies to all official web content and associated web-based services developed by or for a college, school, department, program, or unit of Metropolitan State University of Denver. Nothing in this policy is intended to prevent the use of designs or technologies as alternatives to those prescribed in the standards, provided they result in substantially equivalent or greater access to and use of a Website by individuals with disabilities. MSU Denver is committed to providing alternative programs and services related to web content for qualified individuals with disabilities where the alternatives are necessary to make the programs and services equally as effective as those provided to other users.

- **The MSU Denver Access Center serves as the primary contact and resource for students with disabilities, including equal access and assistive technologies.**
- **The MSU Denver Office of Human Resources serves as the primary contact and resource for faculty and staff with disabilities, including equal access and assistive technologies.**
- **The MSU Denver Office of Purchasing, Accounts Payable serves as the primary contact and resource for faculty and staff questions related to purchasing accessible technology-related systems and software.**

**Adoption Date of Policy: July 1, 2012**

**Effective Date of Policy: January 1, 2013**

## **Specific Request for Access**

Upon specific request for access by an individual with a disability, legacy web content pages must be made accessible, or an equally effective alternative provided, within (number to be determined) business days of receiving the request. Though the unit responsible for the creation and maintenance of the web content is also responsible for making it accessible, there are a variety of resources available at MSU Denver to provide support and assistance. Offices and their specific responsibilities are outlined in the Contacts and Resources section of this policy. Equally effective means that the alternative communicates the same information in as timely a fashion as does the original web content. For interactive or service pages, equally effective means that the end result (e.g. registration) is accomplished in a comparable time and with comparable effort on the part of the requestor.

## **Responsible Parties for Implementation of this Policy**

The Office of Equal Opportunity is responsible for overseeing compliance with regard to state and federal regulations that prohibit discrimination on the basis of disability and require reasonable accommodation.

Questions or concerns regarding compliance with this policy or standards, or complaints of discrimination, should be directed to the Office of Equal Opportunity.

## **Compliance**

Each individual or unit responsible for web content must also know the policy and coordinate with the appropriate campus resources to provide accessible content. Those responsible must also monitor and evaluate their content regularly for accessibility. Specific resources and contact information to assist with this can be found on the MSU Denver Technology Accessibility Initiative website, <http://www.msudenver.edu/accessibility> or by utilizing the additional contacts below.

The MSU Denver Technology Accessibility Initiative will work in collaboration with the Access Center, the Educational Technology Center, the Office of Equal Opportunity, the Office of Human Resources, and other key areas to develop a comprehensive implementation plan and monitor the progress of compliance with this policy, including specific timeframes and the clarification of roles and responsibilities to achieve compliance with the Web Content Accessibility Plan.

## **Contacts and Resources**

**Resources Related to Accessibility at MSU Denver can be found at:**  
<http://www.msudenver.edu/accessibility>

**The following offices at MSU Denver provide resources and assistance with access, compliance, design, development, and general consultation related to accessibility:**

- **For questions related to compliance guidelines, complaints about equal access, or requests for equally effective alternative access, please contact:**  
Office of Equal Opportunity, Office of the President, (303) 556-4746  
<http://www.msudenver.edu/facstaff/admin/eoo/>
- **For questions related to purchasing of accessible hardware, software, and technology services please contact:**  
Office of Purchasing, Accounts Payable, (303) 556-3030  
[http://www.msudenver.edu/facstaff/controller/services\\_accounting.shtml/](http://www.msudenver.edu/facstaff/controller/services_accounting.shtml/)
- **For assistance with general web page design, including an accessible MSU Denver web page template please contact:**  
Web Communications, Office of Communications and Community Affairs,  
(303) 556-2957  
<http://www.msudenver.edu/ccs/communications/campuscommunications/campuswebcommunications/>
- **For assistance or questions related to accessible course design and development, including media production, instructional design, and general consultation, please contact:**  
Educational Technology Center, (303) 556-3600  
<http://www.msudenver.edu/etc/>
- **For students with disabilities who need assistance, including academic accommodations and assistive technology, please contact:**  
MSU Denver Access Center, (303) 556-8387  
<http://www.msudenver.edu/access/>
- **For faculty or staff with disabilities who need assistance, including accommodations and assistive technology, please contact:**

Office of Human Resources, (303) 556-5031  
<http://www.msudenver.edu/hr/>

- **For general questions about MSU Denver technology services, please contact:**  
MSU Denver Information Technology Help Desk, 1-877-352-7548  
<http://www.msudenver.edu/technology/>

## **Definitions**

### **Archive Website or Page**

A Website or page no longer in use but subject to records retention plans.

### **Legacy Web Page**

A Web page published prior to the effective date of this policy.

### **Revised Web Page**

A web page that has been altered or updated through visual design or significant content additions, subtractions, or modifications after the effective date of this policy.

### **W3C**

World Wide Web Consortium. The main international standards group for website design.

### **WCAG**

Web Content Accessibility Guidelines, version 1.0 published in 1999, version 2.0 published in 2008. WCAG is a working group of the W3C that focuses specifically on accessibility standards creation. WCAG is a widely accepted and commonly used standard.

### **Web Content**

Information or learning materials published to a website or webpage.

### **Web Page**

A single internet address (aka URL) that contains content that must be viewed through a web browser. Usually, multiple web pages are linked to define a website.

### **Website**

A group of connected web pages regarded as a single entity, or several closely related topics, such as a college, department or office website. A website usually consists of a home page.

### **Web Content Management System (WCMS)**

**A WCMS is software that stores and organizes content and information about how it can be used and presented. A WCMS integrates and centralizes tools and mechanisms for accessing, editing and publishing information to the Web.**

## **APPENDIX B**

### **U.S. Department of Education**

*Office for Civil Rights*

### **U.S. Department of Justice**

*Civil Rights Division*

June 29, 2010

Dear College or University President:

We write to express concern on the part of the Department of Justice and the Department of Education that colleges and universities are using electronic book readers that are not accessible to students who are blind or have low vision and to seek your help in ensuring that this emerging technology is used in classroom settings in a manner that is permissible under federal law. A serious problem with some of these devices is that they lack an accessible text-to-speech function. Requiring use of an emerging technology in a classroom environment when the technology is inaccessible to an entire population of individuals with disabilities - individuals with visual disabilities - is discrimination prohibited by the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504) unless those individuals are provided accommodations or modifications that permit them to receive all the educational benefits provided by the technology in an equally effective and equally integrated manner.

The Departments of Justice and Education share responsibility for protecting the rights of college and university students with disabilities. The Department of Justice is responsible for enforcement and implementation of title III of the ADA, which covers private colleges and universities, and the Departments of Justice and Education both have enforcement authority under title II of the ADA, which covers public universities. In addition, the Department of Education enforces Section 504 with respect to public and private colleges and universities that receive federal financial assistance from the Department of Education. As discussed below, the general requirements of Section 504 and the ADA reach equipment and technological devices when they are used by public entities or places of public accommodation as part of their programs, services, activities, goods, advantages, privileges, or accommodations.

Under title III, individuals with disabilities, including students with visual impairments, may not be discriminated against in the full and equal enjoyment of all of the goods and services of private colleges and universities; they must receive an equal opportunity to participate in and benefit from these goods and services; and they must not be provided different or separate goods or services unless doing so is necessary to ensure that access to the goods and services is equally as effective as that provided to others.<sup>1</sup> Under title II, qualified individuals with disabilities may not be excluded from participation in or denied the benefits of the services, programs, or activities of, nor subjected to discrimination by, public universities and colleges.<sup>2</sup> Both title II and Section 504 prohibit colleges and universities from affording individuals with disabilities with an opportunity to participate in or benefit from college and university aids, benefits, and services that is unequal to the opportunity afforded others.<sup>3</sup> Similarly, individuals with disabilities must be provided with aids, benefits, or services that provide an equal opportunity to achieve the same result or the same level of achievement as others.<sup>4</sup> A college or university may provide an individual with a disability, or a class of individuals with disabilities, with a different or separate aid, benefit, or service only if doing so is necessary to ensure that the aid, benefit, or service is as effective as that provided to others.<sup>5</sup>

The Department of Justice recently entered into settlement agreements with colleges and universities that used the Kindle DX, an inaccessible, electronic book reader, in the classroom as part of a pilot study with Amazon.com, Inc. In summary, the universities agreed not to purchase, require, or recommend use of the Kindle DX, or any other dedicated electronic book reader, unless or until the device is fully accessible to individuals who are blind or have low vision, or the universities provide reasonable accommodation or modification so that a student can acquire the same information, engage in the same interactions, and enjoy the same services as sighted students with substantially equivalent ease of use. The texts of these agreements may be viewed on the Department of Justice's ADA Website, [www.ada.gov](http://www.ada.gov). (To find these settlements on [www.ada.gov](http://www.ada.gov), search for "Kindle.") Consistent with the relief obtained by the Department of Justice in those matters, the Department of Education has also resolved similar complaints against colleges and universities.

As officials of the agencies charged with enforcement and interpretation of the ADA and Section 504, we ask that you take steps to ensure that your college or university refrains from requiring the use of any electronic book reader, or other similar technology, in a teaching or classroom environment as long as the device remains inaccessible to individuals who are blind or have low vision. It is unacceptable for universities to use emerging technology without insisting that this technology be accessible to all students.

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\*28 C.F.R. § 36.201(a); 28 C.F.R. § 36.202(a); and 28 C.F.R. § 36.202(c) (2009).

<sup>2</sup> 28 C.F.R. § 35.130(a) (2009).

<sup>3</sup> 28 C.F.R. § 35.130(b)(1)(ii) and 34 C.F.R. § 104.4(b)(1)(ii) (2009).

<sup>4</sup> Cf. 28 C.F.R. § 35.130(b)(1)(iii) and 34 C.F.R. § 104.4(b)(1)(iii) (2009).

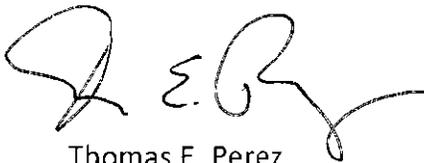
<sup>5</sup> 28 C.F.R. § 35.130(b)(1)(iv) and 34 C.F.R. § 104.4(b)(1)(iv) (2009).

Congress found when enacting the ADA that individuals with disabilities were uniquely disadvantaged in American society in critical areas such as education.<sup>6</sup> Providing individuals with disabilities full and equal access to educational opportunities is as essential today as it was when the ADA was passed. In a Proclamation for National Disability Employment Awareness Month, President Obama underscored the need to "*strengthen and expand* the educational opportunities for individuals with disabilities," noting that, "[i]f we are to build a world free from unnecessary barriers . . . we must ensure that every American receives an education that prepares him or her for future success." <http://www.whitehouse.gov/the-press-office/presidential-proclamation-national-disability-employment-awareness-month> (September 30, 2009) (emphasis added).

Technology is the hallmark of the future, and technological competency is essential to preparing all students for future success. Emerging technologies are an educational resource that enhances learning for everyone, and perhaps especially for students with disabilities. Technological innovations have opened a virtual world of commerce, information, and education to many individuals with disabilities for whom access to the physical world remains challenging. Ensuring equal access to emerging technology in university and college classrooms is a means to the goal of full integration and equal educational opportunity for this nation's students with disabilities. With technological advances, procuring electronic book readers that are accessible should be neither costly nor difficult.

We would like to work with you to ensure that America's technological advances are used for the benefit of all students. The Department of Justice operates a toll-free, technical assistance line to answer questions with regard to the requirements of federal laws protecting the rights of individuals with disabilities. For technical assistance, please call (800) 514-0301 (voice) or (800) 514-0383 (TTY). Specialists are available Monday through Friday from 9:30 AM until 5:30 PM (ET) except for Thursday, when the hours are 12:30 PM until 5:30 PM. These specialists have been trained specifically to address questions regarding accessible electronic book readers. Colleges, universities, and other stakeholders can also contact the Department of [Education's Office for Civil Rights for technical assistance by going to OCR's Website at <http://wdcrocolp01.ed.gov/CFAPPS/OCR/contactus.cfm>](#).

Sincerely,



Thomas E. Perez  
Assistant Attorney General  
Civil Rights Division U.S.  
Department of Justice



Russlynn Ali  
Assistant Secretary  
for Civil Rights U.S.  
Department of Education

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<sup>6</sup> 42 U.S.C. § 12101(a) (1990).

We appreciate your consideration of this essential educational issue and look forward to working with you to ensure that our nation's colleges and universities are fully accessible to individuals with disabilities.



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

May 26, 2011

### Frequently Asked Questions About the June 29, 2010, Dear Colleague Letter<sup>7</sup>

#### General Issues

#### 1. Does the June 29, 2010, Dear Colleague Letter (DCL) on access to electronic book readers impose new legal obligations?

**A: No.** The DCL discusses long-standing law. Specifically, it addresses key principles of Federal disability discrimination law: the obligation to provide an equal opportunity to individuals with disabilities to participate in, and receive the benefits of, the educational program, and the obligation to provide accommodations or modifications when necessary to ensure equal treatment. Under Section 504 of the Rehabilitation Act of 1973 (Section 504), these legal standards apply to entities that receive Federal financial assistance, including elementary, secondary, and postsecondary institutions. (In this FAQ, the term "schools" refers to all these types of institutions.) Under Title II of the Americans with Disabilities Act (ADA) of 1990 (Title II), these obligations apply to entities of state and local government, including public schools.<sup>8</sup>

The DCL outlines concerns on the part of the Department of Justice (DOJ) and the Department of Education (Department), raised in the context of their resolution of several cases, regarding compliance with these long-standing requirements.

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The Department of Education has determined that this document is a "significant guidance document" under the Office of Management and Budget's Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007), available at [http://www.whitehouse.gov/sites/default/files/omb/assets/regulatory\\_matters\\_pdf/012507\\_good\\_guidance.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/regulatory_matters_pdf/012507_good_guidance.pdf). OCR issues this and other policy guidance to provide recipients with information to assist them in meeting their obligations and to provide members of the public with information about their rights under the civil rights laws and implementing regulations that we enforce. OCR's legal authority is based on those laws and regulations. This document does not add requirements to applicable law, but provides information and examples to inform recipients about how OCR evaluates whether covered entities are complying with their legal obligations. If you are interested in commenting on this guidance, please send an e-mail with your comments to [OCR@ed.gov](mailto:OCR@ed.gov), or write to us at the following address: Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202.

<sup>8</sup> The Department of Justice is responsible for enforcing Title III of the ADA, which prohibits discrimination on the basis of disability by private schools, among other entities.

400 MARYLAND AVE., S.W., WASHINGTON, DC 20202-1100 [www.ed.gov](http://www.ed.gov)

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

Specifically, some postsecondary institutions were using electronic book readers that are inaccessible to students who are blind or have low vision. As explained by the DCL, application of our long-standing nondiscrimination requirements means that schools must provide an electronic book reader (*i.e.*, the technology that the school uses to provide educational benefits, services, or opportunities) that is fully accessible to students who are blind or have low vision; otherwise schools must provide accommodations or modifications to ensure that the benefits of their educational program are provided to these students in an equally effective and equally integrated manner.

For the purposes of assessing whether accommodations or modifications in the context of emerging technology, and, more specifically, electronic book readers, meet the compliance requirements, the DCL provides a functional definition of accessibility for students who are blind or have low vision. Under this definition, these students must be afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as sighted students. In addition, although this might not result in identical ease of use compared to that of students without disabilities, it still must ensure equal access to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology. The DCL uses the term "substantially equivalent ease of use" to describe this concept. For more information and for examples that meet this standard, see Questions 11, 12, and 14.

## **2. Does the DCL apply in the context of students with other disabilities that affect the ability to use printed materials?**

**A: Yes.** Other disabilities, such as specific learning disabilities, may make it difficult for students to get information from printed sources (often called "print disabilities"). In its provision of benefits, services, and opportunities, a school must ensure that these students are not discriminated against as a result of inaccessible technology.

Example: A student has a learning disability in reading but does not have impaired vision. The student is currently receiving audiobooks on cassette tape for her history class because she cannot readily process printed information. The school is replacing the history textbooks with electronic book readers as the principal means of conveying curriculum content, including all homework assignments. In this example, the electronic book readers provide greater functionality than audiobooks provide, with the result that an audiobook would not afford the benefits of the educational program in an equally effective and equally integrated manner. For this reason the school may not continue to rely on audiobooks to provide equal access to the curriculum. For more information on the differences between traditional alternative media, such as audiobooks, and emerging technology, such as electronic book readers, see Question 12.

**3. Does the DCL mean that schools cannot use emerging technology?**

**A: No.** On the contrary, the Department encourages schools to employ innovative learning tools. Because technology is evolving, it has the capability to enhance the academic experience for everyone, especially students with disabilities. Innovation and equal access can go hand in hand. The purpose of the DCL is to remind everyone that equal access for students with disabilities is the law and must be considered as new technology is integrated into the educational environment.

**4. Does the DCL apply to elementary and secondary schools?**

**A: Yes.** The DCL grew out of complaints filed with the Department's Office for Civil Rights (OCR) and DOJ that concerned postsecondary education. However, the principles underlying the DCL — equal opportunity, equal treatment, and the obligation to make accommodations or modifications to avoid disability-based discrimination — also apply to elementary and secondary schools under the general nondiscrimination provisions in Section 504 and the ADA. The application of these principles to elementary and secondary schools is also supported by the requirement to provide a free appropriate public education (FAPE) to students with disabilities. For more information, see Question 13.

**5. Does the DCL apply to all school operations and all faculty and staff?**

**A: Yes.** All school operations are subject to the nondiscrimination requirements of Section 504 and the ADA. Thus, all faculty and staff must comply with these requirements.

Section 504 and the ADA require that covered entities designate at least one person to coordinate their compliance efforts, and that they adopt and publish grievance procedures to resolve complaints of noncompliance. In addition, postsecondary schools often designate certain staff or offices (sometimes referred to as disability student-services offices) to assist students with disabilities.

The law applies to all faculty and staff, not just a Section 504 or ADA coordinator or staff members designated to assist students with disabilities. All faculty and staff must comply with the nondiscrimination requirements of Section 504 and the ADA in their professional interactions with students, because these interactions are part of the operations of the school. So, for example, if an adjunct faculty member denies a student who is blind an equal opportunity to participate in a course by assigning inaccessible course content, the school can be held legally responsible for the faculty member's actions. Therefore, schools should provide, and faculty and staff should participate in, professional development about accessibility and emerging technology, and about the role of faculty and staff in helping the school to comply with disability discrimination laws.

## **Applying the DCL in Different Contexts**

### **6. Does the DCL apply beyond electronic book readers to other forms of emerging technology?**

**A: Yes.** The core principles underlying the DCL — equal opportunity, equal treatment, and the obligation to make modifications to avoid disability-based discrimination — are part of the general nondiscrimination requirements of Section 504 and the ADA. Therefore, all school programs or activities — whether in a "brick and mortar," online, or other "virtual" context — must be operated in a manner that complies with Federal disability discrimination laws.

### **7. Does the DCL apply to online courses and other online content, such as online applications for admission, class assignments, and housing?**

**A: Yes.** The principles in the DCL apply to online programs that are part of the operations of the school, *i.e.*, provided by the school directly or through contractual or other arrangements.

### **8. Does the DCL apply to pilot programs or other school programs that are of short duration?**

**A: Yes.** The complaints discussed in the DCL were based on pilot programs that were part of the schools' operations. As noted in Question 5 above, all school programs and activities are subject to the nondiscrimination requirements of Section 504 and the ADA.

### **9. Does the DCL apply when planning to use an emerging technology in a class or school where no students with visual impairments are currently enrolled?**

**A: Yes.** Schools that are covered under Section 504 and the ADA have a continuing obligation to comply with these laws. Therefore, the legal obligations described in the DCL always apply. Just as a school system would not design a new school without addressing physical accessibility, the implementation of an emerging technology should always include planning for accessibility. Given that tens of thousands of elementary, secondary, and postsecondary students have visual impairments and that the composition of the student body at a given school may change quickly and unexpectedly, the use of emerging technology at a school without currently enrolled students with visual impairments should include planning to ensure equal access to the educational opportunities and benefits afforded by the technology and equal treatment in the use of such technology. The planning should include identification of a means to provide immediate delivery of accessible devices or other technology necessary to ensure accessibility from the outset.

## Putting the DCL's Principles Into Practice

### **10. What questions should a school ask in determining whether emerging technology is accessible, or can be made accessible, to students with disabilities?**

**A:** Schools should begin by considering accessibility issues up front, when they are deciding whether to create or acquire emerging technology and when they are planning how the technology will be used. To that end, schools should include accessibility requirements and analyses as part of their acquisition procedures. Schools should keep in mind their obligation to ensure that students with disabilities receive the benefits of the educational program in an equally effective and equally integrated manner. Among the questions a school should ask are:

- What educational opportunities and benefits does the school provide through the use of the technology?
- How will the technology provide these opportunities and benefits?
- Does the technology exist in a format that is accessible to individuals with disabilities?
- If the technology is not accessible, can it be modified (see Question 11 below about additional questions related to modifications), or is there a different technological device available, so that students with disabilities can obtain the educational opportunities and benefits in a timely, equally effective, and equally integrated manner?

Example: A school intends to establish a Web mail system so that students can: communicate with each other and with faculty and staff; receive important messages from the school (*e.g.*, a message about a health or safety concern); and communicate with individuals outside the school. The school must ensure that the educational benefits, services, and opportunities provided to students through a Web mail system are provided in an equally effective and equally integrated manner. Before deciding what system to purchase, the school should make an initial inquiry into whether the system is accessible to students who are blind or have low vision, *e.g.*, whether the system is compatible with screen readers and whether it gives users the option of using large fonts. If a system is not accessible as designed, the school must take further action to determine whether an accessible product is available, or whether the inaccessible product can be modified so that it is accessible to students who are blind or have low vision.

**11. The DCL states that where accessible technology is not available, a school can comply with Section 504 and the ADA if it provides students with disabilities "accommodations or modifications that permit them to receive all the educational benefits provided by the technology in an equally effective and equally integrated manner." From a practical standpoint, what questions should schools ask to determine if this standard can be met?**

**A:** In making this determination, the questions a school should ask include:

- What educational opportunities and benefits does the school provide through the use of this technology?
- What can the school do to provide students with disabilities equal access to the educational benefits or opportunities provided through the use of the technology?
- How will the educational opportunities and benefits provided to students with disabilities compare to the opportunities and benefits that the technology provides to students without disabilities? Three relevant questions are:
  - o Are all the educational opportunities and benefits that are available through the use of the technology equally available to students with disabilities through the provision of accommodations or modifications (*i. e.*, do students with disabilities have the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as sighted students)?
  - o Are the educational opportunities and benefits provided to students with disabilities in as timely a manner as those provided to students without disabilities (*i. e.*, do the time frames under which opportunities and benefits are received by students meet the requirement that students with disabilities be provided benefits and opportunities in an equally effective and equally integrated manner)?
  - o Will it be more difficult for students with disabilities to obtain the educational opportunities and benefits than it is for students without disabilities (*i. e.*, does ease of use for students with disabilities meet the requirement that students with disabilities be provided benefits and opportunities in an equally effective and equally integrated manner)?

Example: A high school teacher creates an online course that includes instruction, posting of assignments and other course content, and a forum where students can

discuss their course work with the teacher and each other. The teacher would like to incorporate video clips into the course, but is unable to obtain the video clips with audio

descriptions. As a modification, the teacher creates separate audio descriptions for each video clip that narrate what is taking place in the video, and places them in a separate section of the online course. The online course includes links that enable persons who use screen readers to bypass the video clips completely and instead listen to the audio descriptions. Here, the use of detailed audio descriptions that are a part of the online course would provide students with disabilities access to the same opportunities and benefits in an equally effective and equally integrated manner. Schools should also think about whether other accommodations may be needed to provide equal access. For example, a student who uses a screen reader may need extra time to take an online examination because it may take time for the screen reader to process information displayed on a screen and provide that information to the student.

**12. Are there circumstances under which it would be appropriate for a school to provide traditional alternative media, such as books on tape, to a student who is blind or has low vision?**

**A: Yes.** Traditional alternative media can still be used as an accommodation under appropriate circumstances. For example, if a school provides printed books to students in a class, books on tape may be an appropriate accommodation for a blind student. The DCL does not require schools to use emerging technology. If, however, a school chooses to provide emerging technology and proposes traditional alternative media as an accommodation or modification to provide equal access to the educational opportunities and benefits provided to all students, the alternative media must provide access to the benefits of technology in an equally effective and equally integrated manner. Some forms of emerging technology may readily offer students educational opportunities and benefits that traditional alternative media cannot replicate.

**13. If a student who is blind or has low vision makes a request for a particular emerging technology, and that technology currently is not used for all students, must the school provide it?**

**A: Not necessarily, because such decisions are individualized.** The DCL does not change the requirements and processes by which elementary and secondary schools must provide a free appropriate public education, or FAPE, to students with disabilities; nor does the DCL change the processes by which postsecondary schools provide academic adjustments and auxiliary aids to students with disabilities. Rather, the DCL discusses the issue of how Section 504 and the ADA apply if schools choose to incorporate emerging technology into their instruction or other programs or activities for all students.

At the elementary and secondary school levels, if parents believe that their child with a disability requires a particular emerging technology as part of the child's right to FAPE,

even though that technology currently is not used for all students, an individualized decision about providing a specific technology should be made through the processes used by the school district to make educational decisions consistent with Section 504 or the Individuals with Disabilities Education Act as applicable. At the postsecondary level, a decision about whether to provide a particular emerging technology as an auxiliary aid or service, even though such technology currently is not used for all students, is an individualized one that should be made through any procedure that the school may have established to consider students' requests for auxiliary aids or services. Postsecondary institutions' procedures must comply with Section 504 and the ADA.

**14. Must a school always provide the same form of emerging technology to a student who is blind or has low vision as it provides to all other students?**

**No:** The legal duty imposed by Section 504 and Title II is to provide equal opportunity — that is, to provide the student who has a disability with access to the educational benefit at issue in an equally effective and equally integrated manner. As described more fully in Question 1, a school must apply this standard in determining whether the use of a particular technological device for a student with a visual impairment is appropriate.

Example: A school library plans to make electronic books available to students by loaning electronic book readers. The school does not, prior to purchase, make necessary inquiries about whether the book readers are accessible to students who are blind or have low vision.

The school subsequently determines that the book readers are not accessible. In an effort to ensure that the educational benefits, *i.e.*, the same library books, are available in an equally effective and equally integrated manner to students with visual impairments, the school purchases a few small, light-weight tablet computers for the library. These tablet computers are designed to serve as a platform for electronic books, as well as other visual and audio media. If the tablet computers can access those electronic books and have accessible text-to-speech<sup>9</sup> functions that allow users to hear the on-screen content read aloud, navigate device controls, and select menu items with the same ease of use afforded by the electronic book readers to sighted students, the tablet computers will then provide the same content and functionality to students with visual impairments.<sup>10</sup> In this example, the tablet computers have those features. As a result, the accommodation or modification would meet the standards articulated in the DCL because it provides the opportunity to acquire the same information, engage in the same

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<sup>9</sup> A text-to-speech function is software that provides audio for the printed words, enabling a person to hear instead of having to see the printed material.

<sup>10</sup>

The text-to-speech function of the tablet computers provides, for example: electronic book text that is accurate and presented in proper reading order; descriptions of graphical and other non-textual material (*e.g.*, a narrative description of a photograph); and proper presentation of material contained in tables (*e.g.*, properly associating row and column headers with their respective cell data).

interactions, and enjoy the same services as sighted students, as well as meet the standards in the DCL for ease of use.

In addition, the school purchases the tablet computers in sufficient numbers to loan them to students with visual impairments under the same terms and conditions as it provides the electronic book readers to sighted students. Here, the timely provision of electronic books on accessible tablet computers provides students with visual impairments access to the same educational opportunities and benefits in an equally effective and equally integrated manner.

An accommodation that would not be appropriate in this example would be simply providing a student with an aide to read an electronic book to the student. An aide who is available to read the electronic book to the student only at the school during designated times would not be equivalent to the access provided to sighted students using electronic book readers who would be able to read their library books any time and at any location.

### **Other Federal Guidance**

#### **15. Is there any other information available from the Federal government that offers additional guidance about accessibility and emerging technology?**

**A: Yes.** Additional sources of guidance and information include:

#### **U.S. Department of Education**

- U.S. Department of Education Office of Educational Technology, National Education Technology Plan, <http://www.ed.gov/technology/netp-2010>.
- Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities, <http://www2.ed.gov/about/bdscomm/list/aim/index.html>.

#### **U.S. Department of Education Grantees**

##### Accessible Media Production and Dissemination

- National Instructional Materials Access Center (NIMAC), <http://www.nimac.us>.
- Bookshare for Education, <http://www.bookshare.org>.
- Described and Captioned Media Program, <http://www.dcmp.org>.

- Learning Ally (formerly Recording for the Blind & Dyslexic), <http://www.learningally.org>.
- National Instructional Materials Accessibility Standard Center (NIMAS Center), <http://aim.cast.org/collaborate/NIMASCtr>.
- The American Printing House for the Blind (APH), <http://www.aph.org>.
- The World Wide Web Consortium (W3C), <http://www.w3.org/standards/>.
- The Center for Implementing Technology in Education (CITEd), <http://www.cited.org>.
- The Family Center on Technology and Disability (FCTD), <http://www.fctd.info>.

#### Technical Assistance and Training

- National Center on Accessible Instructional Materials (AIM Center), <http://aim.cast.org>.

#### **U.S. Department of Justice**

- Advance Notice of Proposed Rulemaking, Nondiscrimination on the Basis of Disability: Accessibility of Web Information and Services of State and Local Government Entities and Public Accommodations, 75 Fed. Reg. 43,460 (July 26, 2010), *available at* <http://www.regulations.gov/#!documentDetail;D=DOJ-CRT-2010-0005-0001>.
- ADA Best Practices Tool Kit for State and Local Governments, Chapter 5: Website Accessibility Under Title II of the ADA, <http://www.ada.gov/pcatoolkit/chap5toolkit.htm>.

#### **Architectural and Transportation Barriers Compliance Board (U.S. Access Board)**

- Advance Notice of Proposed Rulemaking, Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Telecommunications Act Accessibility Guidelines; Electronic and Information Technology Accessibility Standards (regarding Section 508 of the Rehabilitation Act), 75 Fed. Reg. 13,457 (March 22, 2010), *available at* <http://www.access-board.gov/sec508/refresh/notice.htm>. (*Note: Section 508 of the Rehabilitation Act applies only to the Federal government.*)

## U.S. General Services Administration

- Section [508.gov](http://508.gov) website, [www.Section508.gov](http://www.Section508.gov).

## APPENDIX C

### Technology Accessibility Initiatives Committee

Name	Title
Kenn Bisio	Associate Professor of Journalism, Department of Communication Arts and Sciences
Jerry Foote	Faculty, Department of Nutrition
James Lyall (chair)	Chief Information Officer and Associate Vice President of Academic Computing
Chris Mancuso	Director of Web Communications, Communications and Community Affairs
Loretta Martinez	General Counsel
Jennifer Maxwell	Student
Lloyd Moore	Benefits Manager, Human Resources
Percy Morehouse	Director of Equal Opportunity/Assistant to the President, Office of the President
Lisa Ortiz	Associate Professor of Technical Communication, Department of Technical Communication and Media Production
Melanie Morel	Adaptive Technology Specialist, Access Center
Jane Chapman-Vigil	Director, Center for Faculty Development
Greg Sullivan	Director of the Access Center for Disability Accommodations & Adaptive Technology
Michael Erskine	Director, Educational Technology Center, Academic Affairs
George Middlemist	AVP, Administration and Finance

[www.msudenver.edu/accessibility](http://www.msudenver.edu/accessibility)