

Illinois Assistive Technology Program

Accessibility Laws and how they affect K-12

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- We are a non-for-profit organization dedicated to providing assistive technology to both disabled individuals and their families.
- We help individuals with disabilities and families for free
- Some important programs you may or may not know about for K-12
 - K-12 Augmentative and Alternative Communication and Assistive Technology Assessment Program
 - School districts in Illinois can request assessments for students with 504 plans or IEP's to be assessed for assistive technology services and devices.
 - Device Loan
 - Device loan allows schools and individuals try assistive technology for 5 weeks for free. The device loan library has over 20,000 items for loan and works perfectly with our AAC/AT Assessment Program
 - ICT Accessibility Services

Accessibility Laws

- Americans with Disability Act (ADA)
 - Title II, which states that communications with persons with disabilities must be “as effective as communications with others”
- Section 504 of the Rehabilitation Act
 - First civil rights legislation in the US designed to protect individuals with disabilities.
- Section 508 of the Rehabilitation Act
 - Provided the first-ever US federal accessibility standard for the internet.
 - Recently updated as of 1/10/17 to guidelines WCAG 2.0 AA compliance

Accessibility Laws

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- Every Student Succeeds Act (ESSA)
 - ESSA does not specifically site a standard schools are to adhere to, but does site the requirement to provide accessible alternative formats upon request.

Other Laws for reference

- Illinois Information Technology Accessibility Act (IITAA)
 - Created in 2008 by the Division of Rehabilitation Services and other entities including IATP.
 - It was to provide a technical standard and guidelines that wasn't being meet by section 508 guidelines.
 - K – 12 entities were not required to meet guidelines, only State Agencies and Universities.

Laws that concern K-12

Department of Education Office of Civil Rights (OCR)

- Recently the Office of Civil Rights have been opening up investigations on K-12 entities in regards to discrimination in reference to Information Communication Technology Accessibility. Sighting both the Americans with Disabilities Act Title II and the Rehabilitation Act Section 504.

Information Communication Technology (ICT)

- Information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any technology-based equipment. Information and Communication Technologies include but are not limited to: academic and administrative software applications; websites and web-based or mobile applications; interactive online services: web conferencing, live-streaming, live chat and discussion board functions; search engines and databases; electronic communications and electronic content: email, electronic documents, electronic books and electronic reading systems, course content, class assignments; library and course-related reference materials; multimedia (audio and video); personal response systems (“clickers”); telecommunications; audio and video technologies; and self-contained closed systems: ATMs, printers and copiers.

Law Breakdown

Americans with Disability Act (ADA) Title II

- This part of the ADA states that no public entity at the state or local level can discriminate against people with disabilities. This means that requests “to participate in a service, program, or activity” by a person with a disability must be met with the proper accommodation.

Law Breakdown

Rehabilitation Act Section 504

- essentially declares civil rights for people with disabilities and broadens the scope of what defines a disability.
- This law expands upon IDEA to include a wider range of students with disabilities, (i.e. mental, and “invisible” disabilities) and explicitly states that K-12 schools are prohibited from denying public education or extracurricular activity participation because of a child’s disability. K-12 public schools are thereby required to provide accommodations to people with disabilities when it becomes necessary to ensure effective communication of educational material.

Law Breakdown

Rehabilitation Act Section 508

- While Section 508 does not explicitly invoke federally funded programs like K-12 school systems, schools usually need to comply anyway. Since K-12 schools also receive state funding, the state will usually require Section 508 compliance because the Assistive Technology Act will not provide funding to states unless they guarantee that all their programs – including K-12 schools – will comply with Section 508.
- Recently Section 508 of The Rehabilitation Act has been updated including new guidelines and a definition change from electronic information technology (EIT) to information communication technology (ICT), also they have included updated guidelines that reference Web Content Accessibility Guideline 2.0 AA compliance.

Law Breakdown

Every Student Succeeds Act (ESSA)

- ESSA keeps it very light in regards to accessibility and ICT. ESSA talks about accessibility by requiring upon request based off of the Americans with Disability Act, that “materials need to be provided in an alternative formats. “

Tying it all together

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With recent updates to laws that deal with individuals with disabilities they tie into existing laws by reference, making them requirements. Not knowing about these laws and new guidelines leave you open to Department of Education Office of Civil Rights Complaints, IEP Mediation, and other legal factors.

What do I do, and who is responsible?

Who Is Responsible?

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When it comes to responsibility, school districts are responsible for making sure that all Information Communication Technology that is published, posted and procured meet the requirements of the Rehabilitation Act Section 508.

How do we know if our ICT is Section 508 compliant

- You can ask if they are WCAG 2.0 AA Compliant?
 - You can ask the companies where you bought the product from
 - You can ask your IT department
 - You can ask professional accessibility experts
 - You can research products by voluntary product accessibility templates (VPAT)
- You can ask to have your ICT audited for compliance

If you need help

IATP can offer assistance in several ways

- IATP can offer free three page audits of web sites
- IATP can offer free training on how to make accessible documents
- IATP can offer free assistance with questions about accessibility

Contact Info

TJ Schlouski, ATP
tschlouski@iltech.org
217-522-7985

Krystal Connolly, ATP
kconnolly@iltech.org
217-522-7985

IATP ICT Accessibility
accessibility@iltech.org

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