

## Website Accessibility Complaints



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## Caution

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- Future legal developments may affect these topics
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## Gateway Civil Rights Issue

*“As more and more of our social infrastructure is made available on the Internet - in some cases, exclusively online - access to information and electronic technologies is increasingly becoming the **gateway civil rights issue** for individuals with disabilities.”*

Principal Deputy Ass't Attorney General for Civil Rights  
Samuel R. Bagenstos. Testimony  
House Judiciary Subcommittee (April 22, 2010)

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## Federal Law Requirements

*“No qualified individual with a disability shall...be excluded from participation in or be denied the benefits of...a public entity....”*

Americans with Disabilities Act  
42 USC § 12132

*“[N]o...individual with a disability... shall...be denied the benefits of...any program or activity receiving Federal financial assistance....”*

Section 504 of the Rehabilitation Act  
29 USC §794(a)

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## Spotlight on Michigan Schools

*“Marcie Lipsitt, of Franklin, Mich., has filed some 500 complaints with the U.S. Department of Education’s office for civil rights advocating for web accessibility for students with disabilities. She reviews school districts’ websites one by one using her iPad software, looking for barriers that would prevent access.”*

*Education Week (August 2, 2016)*

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## MDE Website Non-Compliant

*“The Michigan Department of Education has a mountainous task ahead of it to comply with a federal directive and make its website accessible to people with disabilities.”*

*“The brunt of that task: Captioning up to 800 videos and taking up to 8,000 documents and either converting them so they're accessible to people with visual impairments or deleting them from the website ....”*

*Detroit Free Press (July 13, 2015)*

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## “Accessible” Defined

OCR resolution agreements for website complaints define “accessible” to mean *“that individuals with disabilities are able to **independently** acquire the same information, engage in the same interactions, and enjoy the same services **within the same timeframe** as individuals without disabilities, **with substantially equivalent ease of use.**”*

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## “Individuals with Disabilities”

- Students
- Prospective students
- Employees
- Guests
- Visitors
  - Includes members of the general public

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## Standards

- Section 508 Standards apply to federal department/agency websites, but provide good outline for schools
- Accessibility of State and Local Government Websites to People with Disabilities  
[www.ada.gov/websites2.htm](http://www.ada.gov/websites2.htm)

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## Resolution Agreements

- 30 days to negotiate
- “302 Agreement”
- District must request
- Pauses investigation



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## Terms

### ***Policies and Procedures***

- Ensure accessibility
- Designate Web Accessibility Coordinator
- Ensure third-party content is accessible
- Provide annual training
- Conduct accessibility audit
- Inform students, parents, and visitors that they may report violations

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## Post Policies and Procedures

- Within 60 days of *OCR approval*
- Post on website
- Provide notice to students, parents, employees, visitors, etc.



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## Audit

- Initial audit within 180 days
- Develop corrective action strategy
- Provide audit and strategy to OCR
- Fix any problems after OCR approval!



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## Preventing Complaints

- Check websites often
- Watch third-party vendors
- Train teachers who maintain websites



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