November 14, 2016

WEBSITE ACCESSIBILITY

Website access is an ongoing concern for educational agencies due to current activities of the Office for Civil Rights, the ever increasing use of websites as a resource available to agencies, and the nationwide scope of the issue. The following information will bring you up-to-date with the information currently available to educational agencies.

You may recall that OCR investigations led to resolution agreements with multiple educational agencies, including state Departments of Education, colleges, districts, and individual schools. OCR continues to target educational agencies for website updates. Our investigation resulted in contact with the legal department of the Oregon Department of Education (ODE), one of the early targets subsequently entering into a resolution agreement. That contact resulted in the following information, so far:

1. ODE is investigating whether or not to share their plan for compliance.

2. OCR is seen as primarily interested in getting websites fixed, rather than holding educational agencies liable for discrimination.

3. There are barriers that all agencies will face, at least temporarily, including the apparent inability of some existing text reading software to convert into/from Spanish.

As mentioned, this is a nationwide problem and some agencies are ahead of the game, having already resolved their OCR issues via resolution agreements. The resolution agreements are mostly consistent across the board and provide a template for agencies looking to avoid similar issues with OCR.

While websites are different throughout the nation, the consensus of those facing these issues demonstrates the following items should be in any plan to mitigate or avoid having OCR website accessibility disputes:

1. Conduct an audit of existing issues.

2. Develop a corrective action plan with three broad categories including:

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- Current problems;
- Remediation plan (timeline for fixing those errors that are more severe in preventing accessibility, then next level of errors, etc.);
- Long-term solutions (how the district will continue to audit for accessibility [how often], provide training, manage new content, etc.)[1]

Some recommended resources on standards and auditing vendors include:

- For webchecker service, see http://siteimprove.com/

- To perform site evaluation and reporting, see http://webaim.org/services/evaluation/

- For a free webpage checker, see http://wave/webaim.org

- For the WCAG standards, see http://www.w3.org/WAI/intro/wcag

- For the Section 508 Standards Checklist, see http://webaim.org/standards/508/checklist

- For steps for a preliminary website check, see http://www.w3.org/WAI/eval/preliminary.html

As part of the planning, some agencies are performing triage on the need for immediate curative action and assigning tier levels to websites, or portions of websites based on user needs, such as:[2]

Tier	Web Areas of Focus
1	Websites designed specifically for individuals with disabilities and websites that address issues of health, safety, or welfare
2	Key public entry points
3	Web applications designed specifically for students and e-learning courses/modules
4	Web applications designed specifically for staff and faculty members
5	Other websites and web applications not listed above

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[1] Any approach should meet the requirements of the W3C Guidance used as standards by OCR. The Guidance and other significant information may be found at: https://www.w3.org/WAI/impl.

[2] Taken from a plan adopted by Texas A&M.

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While we have attempted to obtain a draft plan from a variety of sources, we have not yet received one.   For this reason, we are working on a draft that could be used to address issues at the county office level, with similar if reduced-scope issues likely to appear in school district websites.   Our investigation into appropriate and economical tools to perform audits and provide solutions is ongoing.   It is likely the solutions will include ongoing audits/content monitoring, training to make new content more accessible, and likely a recommendation to appoint a staff member to oversee the process and report to the governing board or body.

While there is no timeline for completion of updating existing websites, and the circumstances of each agency may dictate the required action, it seems clear that having a plan, and implementing that plan are the best steps for avoiding complaints, which may not be limited to those from OCR but may also arise from various disability rights groups.

As pointed out in the Texas A&M plan: "Did you know?   An accessible website is one that can be navigated and understood by everyone."

We will keep you updated.   Please feel free to contact us with any questions you may have in the meantime.

William A. Hornback

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